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Article Summary: Economic opportunity brought settlers to Nebraska, but after 1890 no more cheap, fertile, well-watered land was available. The Kinkaid Act of 1904 made 640-acre homesteads available, creating a final brief boom in the disposal of public land. (Some historic photographs by Solomon D Butcher illustrate the article.)

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Photographs / Images: land seekers, Broken Bow, 1904; settlers moving into Custer County, 1886; Chrisman sisters' homestead, Custer County, 1886; J Cramer sod house, Custer County, 1880s

Charts: A. disposition of Nebraska's 49,031,680 acres of land surface
B. value of all farm property in Nebraska

LAND DISPOSAL IN NEBRASKA, 1854-1906; THE HOMESTEAD STORY

BY HOMER SOCOLOFSKY

THE magnetism of land ownership has long been a primary attraction or lure in drawing settlers to remote and distant frontiers. The time from the official opening of the territory of Nebraska in 1854 until 1906, when the first results of the Kinkaid Act were coming in, was probably the most active period in the disposal of the nation's vast public domain. This era saw changes of revolutionary proportions, not only in land disposal everywhere, but in most activities related to the use of land.

In 1967, as Nebraska celebrates her centennial of statehood, it is appropriate to re-examine the accounts of public land disposal in that state, with particular emphasis on the homestead story. Although few regions in the United States have had as extensive and prolonged research into the matter of land transfers from public to private ownership, the subject is far from exhausted. These past studies are open to revision. In addition, inquiry into the topic of subsequent transfers of land ownership opens

Dr. Socolofsky, a professor of history at Kansas State University, delivered this paper at the Organization of American Historians meeting in Chicago on April 27, 1967.

a new dimension in the history of that period, which is virtually untapped.

Even before Nebraska was organized as a territory, the region attracted boomers who encouraged settlement illegally.¹ As many as 250 illegal claims were located in each of the Missouri River counties before the passage of the organic act of the territory.² Many of these sooners, and the legal settlers who came after them, followed the pattern of their Iowa neighbors in organizing claim associations to furnish protection for their land.³ In some areas these extra-legal organizations were soon replaced by local governmental institutions and the first registered deed record came less than a year after approval of the Kansas-Nebraska Act.⁴

Territorial Nebraska history emphasized the activity of the land speculator and town boomer. Contemporary newspaper comment, such as that from the *Nebraska Advertiser* of Brownville, in southeastern Nebraska's Nemaha County, shows the expected strong support for actual settlers as opposed to absentees. Editor Robert W. Furnas rejected suggestions for the use of the public domain of Nebraska

. . . other than making such arrangements that the actual settlers can pre-empt, and pay for their land at \$1.25, per acre, . . . at such times as they are able. We are satisfied that great injury would result from bringing the Public Lands to sale, short of two years hence, at least. Give set-

¹ James C. Malin, "Thomas Jefferson Sutherland, Nebraska Boomer," *Nebraska History*, Vol. XXXIV, pp. 181-214; James C. Malin, *The Nebraska Question, 1852-1854*, (1953), pp. 77-85, 128-137.

² A. T. Andreas, *History of the State of Nebraska*, (1882), pp. 473, 679-682, 1200, 1246, 1301.

³ "Burt County Claim Association Record, 1857," bound manuscript, Nebraska State Historical Society; Donald F. Danker, "The Nebraska Winter Quarters Company and Florence," *Nebraska History*, March 1956, pp. 28-34; Earl G. Curtis, "John Milton Thayer," *ibid.*, October-December 1947, p. 228; Everett N. Dick, "Free Homes For the Millions," *ibid.*, December 1962, p. 215.

⁴ Nemaha County Deed Records. Nebraska's number one recorded deed, drawn up April 12, 1855, was filed May 24, 1855, much sooner than any federal land office existed in the territory.

tlers time to open up their farms, get things comfortable around them, and *then* pay for their land.⁵

Topics involving land issues, surveying, approval of land offices, and settlement, were found in almost every issue. Naturally, settlement was promoted and encouraged. Proudly the editor announced that:

STILL THEY COME.—Since our last issue over 50 families have taken claims and settled in this county. All who come and see this country with the intention of . . . [acquiring] homes, are sure to settle here—the country only wants to be seen to be admired and taken possession of.

If the half starved farmers East, in the States—where it requires 15 years to get 10 acres of land in a proper and easy state of cultivation—could but see the 'fairest portion of God's creation' out here, waiting only the plow and fence, to make it surpass the boasted 'Bottom Lands,' the entire Territory would fill up in a few years. Well, they are beginning to find it out.⁶

Of vital concern to a pioneer anywhere was local protection for his right to land. A challenge to a just claim was viewed with alarm and was reported widely. Thus one settler wrote that:

On arriving at Omaha we ascertained that difficulties existed somewhere in the neighborhood in reference to the claim of a young man who had recently died in town, and had been jumped up [by] some unprincipled man on the day of the burial. The citizens took it in hand and on further investigation it was ascertained that the miscre[an]t was a Dutch pettifog[g]er who resides here in town. He appeared determined to hold it right or wrong, and did not yield his claim to it until the people met in mass, and passed resolutions condemnatory of his course, and resolved to put him across the river if he did not comply. Thieves only submit, when overtaken in their evil deeds, and are compelled to surrender. 'Claim jumpers' have poor encouragement in this country, as very few are successful, and always get off with lasting disgrace.⁷

Loyal to his local area, the *Nebraska Advertiser's* editor wrote in glowing terms of new arrivals, of peace and

⁵ *Nebraska Advertiser*, (Brownville, N. T.,) June 21, 1856; "Nuckolls manuscripts," Nebraska State Historical Library. These records show extraordinary activity on town lot sales during the territorial period.

⁶ *Nebraska Advertiser*, July 5, 1856.

⁷ Letter to the editor in *ibid.*, Nov. 29, 1856.

tranquility and of universal recognition of law and order in Nemaha County. He treated as gross exaggeration the story of the rival *Nebraskian* that the

. . . larger portion of the land within twenty miles of the Missouri River, are covered by *pretended claims*. That men living in the towns have control of 'claims'—some of them many claims—who never saw them; that these claims are daily bought and sold, with as much facility as a horse or an ox is sold.⁸

Nemaha County also was described in pleasant contrast with violence found elsewhere, particularly in the twin territory of Kansas to the south.⁹ Statements that no one had asserted his right to more than 160 acres and that no claim had been jumped were shattered in mid-1857 with a story of the death of a recent arrival to the area.

The cause leading to this unfortunate difficulty was 'claim jumping.' . . . We have boasted of our peace and harmony in claim matters, and attributed it very properly to our *observance of the laws*. Let us not sully our fair reputation at home and abroad, by following the example of some other points in this Territory and Kansas in regard to settling claim difficulties.¹⁰

The panic of 1857 had depressing effects on the national economy which were not felt in frontier Nebraska for several years. Much of the frenzied rush to engross valuable properties in the territory came to naught by the end of the fifties as a consequence of that depression. No doubt, President James Buchanan's order to auction land in the area in the midst of hard times, an action that found almost no supporters in Nebraska, produced political alignments still apparent more than a century later.

By 1860, with a population grown to 28,841, there were many pioneers out in advance of government surveys and much Nebraska land was claimed. Although early observers declared that little effort was being made to develop farms and many remained unimproved for another

⁸ *Ibid.*, Feb. 12, 1857, reporting a story from the *Nebraskian* of Feb. 4, [1857].

⁹ *Ibid.*, April 30, May 17, 1857.

¹⁰ *Ibid.*, June 18, 1857.

dozen years, there were more than 2,500 farms averaging two hundred acres in the territory. This represented about 20 acres per capita, with about one-fifth of this area improved. The cost of purchasing land was considerably reduced through the extensive use of military bounty land warrants. By 1860 six out of every seven acres acquired from the federal government in Nebraska Territory were paid for with land warrants rather than cash.¹¹ In spite of low cost and the lack of improvements, Nebraska farm land had an average value of \$8.26 per acre.

A discussion of contemporary farm-making costs suggests that improvement of a quarter-section of raw Nebraska land came to \$531.37.¹² Naturally, expenses of this nature eliminated many potential home-seekers. Nevertheless the availability of such opportunity was portrayed in idyllic splendor as follows:

The bold and determined settler of an early day, enjoyed the palatable venison, joyously chased the elk over the hills and plains, while the buffalo has been killed beyond consum[ption]. He now reaps the luxuriant harvest from one-hundred and fifty-five acres out of 160, while his children enjoy the fruit and sports under the trees which he planted.

A [quarter-section] farm containing one hundred and sixty acres, with forty acres broke, and fenced, with a little

¹¹ Addison E. Sheldon, *Land Systems and Land Policies in Nebraska*, (1936), pp. 59-60. Sheldon reported that land warrants in 1858 were selling at prices ranging from 75c to \$1.00 an acre in New York and as much as \$1.75 on a credit plan in Nebraska. Basic statistics are drawn from the United States Census Reports as well as the annual reports of the Nebraska State Board of Agriculture. The 1860 federal census reported 2,473 farms in Nebraska Territory, whereas a revised figure in the 1900 census was 2,789. Averages given were 203 and 226 acres respectively.

¹² *Nebraska Farmer*, June 1861. An enumeration of these expenses was:

A house	\$250.
Breaking 40 acres	120.
500 walnut fence posts	25.
500 holes for posts	5.
Lumber for fence	125.
Nails	6.37
	\$531.37

house upon it, constitutes a farm. A man can attend that number of acres and rest more than one third of the year. Its products will support a family, pay their expenses, and allow them four hundred dollars in cash to lay up every year.¹³

Soon after the outbreak of the Civil War, the U.S. Surveyor General for Kansas and Nebraska, Mark W. Delahay, wrote Salmon P. Chase, Lincoln's Secretary of the Treasury, of the urgent necessity of further surveys to prepare for an expected rush to the public domain in his area. He told of loyal southerners who had moved north and had made "settlement far West of the present Survey's," and that "a large number of Volunteers now bearing Arms under their Country's Call, will after the Rebellion is put down, require homes in Kansas and Nebraska." Because of this necessity Delahay asked Chase's support. Expecting that military bounty warrants would again be used following the war he wrote:

In consideration of the foregoing suggestions, will not Congress feel it to be a Patriotic duty, intimately connected with the earliest Legislation, to make the necessary Appropriations in order to prosecute the Public Surveys in this District, so the lands will be in Condition, whereon the Warrants granted to the Soldiers in the present War may be located.¹⁴

Little was done immediately to boost Delahay's request for needed surveys. However, the wind was blowing strongly for free homesteads and the Homestead Act of 1862 was passed with the backing of a sizable majority of Westerners and especially the citizens of the territory of Nebraska. Territorial Governor Alvin Saunders, in his best political manner, extolled the beneficence of the federal government in a message to the territorial council when he said:

What a blessing this wise and humane legislation will bring to many a poor, but honest and industrious family. Its benefits can never be estimated in dollars and cents. The very thought, to such people, that they can now have a tract

¹³ *Ibid.*

¹⁴ Letter from Mark W. Delahay to Salomon [sic] P. Chase, Secretary of the Treasury, June 20, 1861, National Archives. Delahay had similar correspondence with Commissioner J. M. Edmunds, of the General Land Office, see *Land Office Reports*, 1861, pp. 591-2.

of land that they can call their own, has a soul-inspiring effect upon them, and makes them feel thankful that their lots have been cast under a Government that is so liberal to its people.¹⁵

An "anti-Homestead" leader in Nebraska was J. Sterling Morton, who long voiced his criticism of free grants of land for any purpose.¹⁶ After ten years of operation he still described the Homestead Act as "a questionable piece of legislation." Sometimes he served as spokesman for the settler but at other times he lumped homesteaders and land-grant railroads together as beneficiaries of an unfair preferred status on the matter of local taxation.¹⁷

Another Nebraska critic of the Homestead Act was Benton Aldrich, a perceptive farmer-philosopher from southeastern Nebraska, who ignored the Homestead Act to pay cash for forty acres of public domain in Nemaha County in 1865. Born in New Hampshire in 1831, Aldrich moved west and married at age twenty in Wisconsin. After three years he pushed on to Minnesota where he remained until 1864 when he sought land in the west that was suitable for planting an orchard. With only enough money to pay the \$50 cash price he nevertheless placed much of his initial effort on his land in planting trees and an orchard that succeeded beyond his hopes. The attitudes of neighbors caused him to "become thoroughly dissatisfied," and after six years he "tried to sell [his] farm and failed." Gradually conditions improved, he became the local postmaster, and he started a circulating library, which brought about more desirable neighborly relations, and he stayed

¹⁵ *Homestead Act Centennial*, hearing before the Subcommittee on Federal Charters, Holidays, and Celebrations . . . on S. J. Res. 98, July 26, 1961. Statement of Tom V. Wilder, p.11.

¹⁶ *Nebraska Advertiser*, October 4, 1860.

¹⁷ Leslie E. Decker, *Railroads, Lands, and Politics*, (1964), pp. 27-8, from a Morton letter to the *Omaha Weekly Herald*, August 27, 1873. The letter was dated August 17; James C. Olson, *J. Sterling Morton*, (1942), pp. 178 ff; James C. Olson, *History of Nebraska*, (1955), pp. 172-3.

on his farm, which was eventually enlarged to 490 acres.¹⁸ In his old age, when he had forgotten some of his earlier indecision, Aldrich wrote strong indictments against the Homestead Act and other "free land" schemes. Families possessing sufficient foresight to obtain and to keep land even when it was high priced were credited with high moral character by Aldrich.¹⁹

On the other hand the usual response from Nebraskans was strong endorsement of the Homestead Act. Without doubt, the best known "success story" is that of homesteader Daniel Freeman, whose land became the site of the National Homestead Monument.²⁰ In Nebraska, state history, as well as local accounts, personal memoirs, letters, and reminiscences, and even newspaper stories, view the Homestead Act as a positive benefit to the state. The opportunity made available by the law provided initial economic development in many parts of the area. Many of the homesteaders were young and idealistic, and their immediate problems, associated with pioneering, were frequently overlooked in their optimistic view of the future. Jules Haumont, who settled in Custer County in 1880, at the age of 23 years, recalled in 1932 that:

We came here to this beautiful country, in those early days, young, strong, healthy, filled with hope, energy and ambition. . . . I do not know how large a bank account, some of the old settlers may have today, I do not care, they will never be as rich as I felt, when I first settled on my homestead. I remember the time I did not have the money to buy a postage stamp. I remember the hard winter, the drought of 1894. The many obstacles to overcome. We

¹⁸ Benton Aldrich collection, Nebraska State Historical Society Archives; Nemaha County Deed Records; Andreas, *op cit.*, pp. 1133-4; *A Biographical and Genealogical History of Southeastern Nebraska*, (1904), Vol I, pp.353-8.

¹⁹ Benton Aldrich collection, manuscript written January 1915.

²⁰ Andreas, *op cit.*, pp. 896, 908; Ray H. Mattison, "Homestead National Monument: Its Establishment and Administration," *Nebraska History*, March 1962, pp. 1-28. Typical of pro-Homestead comment were the editorials and stories in the *Nebraska Advertiser*, May 29, July 3, 1862, and Jan. 3, 1863. At the same time this newspaper did not avoid the more cautious approach when they used an *American Agriculturist* story on July 9, 1862 which counseled that a "farm for ten dollars is not particularly cheap."

came to win the battle, and we did. . . . We were empire builders.²¹

Another Nebraska settler, in writing to relatives a few years earlier, said, "You at home have no idea of the rush to the West." His success in securing a desired homestead at the Beatrice land office was rated as, "The only streak of luck I ever had in my life."²² While most homesteaders did not leave written records of this phase of their activity, a few echoed similar sentiments. One young farmer from Missouri repeatedly heard "disturbing rumors that the good homestead land would soon all be taken," so he located his claim in central Nebraska in 1884.²³ Only a year later, this young homesteader, now married, expressed his vigorous land hunger again when he wrote that:

We are thinking of proving up on the homestead and renting it out and going further west and using my other two wrights [sic]. They say that timber claim and pre-emption is going to play out this summer. If so I want to use my wrights [sic] before it is to [sic] late.²⁴

Two illustrations serve to introduce other situations found in claiming a Nebraska homestead. John R. Maltby was one "claim jumper" who successfully challenged the homestead right of a Civil War veteran, and he lived in the community long enough to become one of the honored pioneers in his county.²⁵ Maltby arrived in Nebraska from New England in 1867 almost penniless after more than a dozen years of travel and work all over the world. In 1869 he filed on a pre-emption claim for 80 acres in Polk County but failed to prove up on his land. After following various non-farming occupations Maltby and a partner, William

²¹ Jules Haumont, "Pioneer Years in Custer County," *Nebraska History*, October-December 1932, p.236. Haumont emigrated from Belgium to Iowa in 1875 and settled in Custer County in 1880.

²² Esther Bienhoff, "Homesteading in Nebraska," *Nebraska History*, October-December 1929, pp. 381-4.

²³ Charles J. Wilkerson, "The Letters of Ed Donnell, Nebraska Pioneer," *Nebraska History*, June 1960, pp. 123-140.

²⁴ *Ibid.*

²⁵ Homer E. Socolofsky, "Why Settle in Nebraska—The Case of John Rogers Maltby," *Nebraska History*, June 1963, pp. 123-132.

A. Way, contested the Clay County homestead claim of James C. Vroman in a land office hearing on June 15, 1871, where the officials recommended that "the complaint be dismissed."²⁶

Included in the record of the proceedings forwarded to the General Land Office was a petition from Maltby and a copy of Vroman's official receipt showing that he had abandoned the homestead. With this evidence Commissioner Willis Drummond reversed the local land office and ordered cancellation of Vroman's claim.²⁷ Maltby and Way settled on adjoining eighty acre tracts of the homestead and were improving their holdings when Vroman appealed for a new hearing and eventually lost the contest. In the meantime the Burlington and Missouri River Railroad built across Clay County. Maltby became the first Probate Judge of the new county, and his homestead which he commuted to cash purchase became part of the county seat town of Sutton. Litigation over the homestead was now replaced by several years of trouble with the railroad company for Sutton was not an "approved" town site. Eventually conditions stabilized and Maltby lived out his days in Clay County as one of the leading pioneers.²⁸

A second illustration is Niels Chris Nielsen, Danish immigrant, who arrived in Nebraska in 1879 from several years' residence in Illinois, and homesteaded a quarter section in Dawson County by obtaining a relinquishment from the original homesteader. Expenses for paying off the first settler and for filing his homestead and timber cul-

²⁶ "Hearing Papers, Maltby vs. Vroman," National Archives.

²⁷ "Petition of J. R. Maltby to Hon. Willis Drummond," "Copy of Vroman's Receiver's Receipt #6380, with endorsement," and "Letter from Drummond to R & R, Lincoln, Nebraska, Aug. 25, 1871," National Archives.

²⁸ Andreas, *op cit.*, 547-8, 559, 563; Burr, Buck, and Stough, *History of Hamilton and Clay Counties, Nebraska*, Vol. I, 673; John Rogers Maltby papers, Nebraska State Historical Society.

ture claims totaled \$100.00.²⁹ During his first year in Nebraska he harvested 1,600 bushels of corn on a farm he operated in neighboring Buffalo County so he got off to a good start as a pioneer in a new land. However, crop production was down for Nielsen during the next four years while he was proving up on his homestead. He sold some livestock, he worked for hire as much as 130 days in a year, and his income averaged about two hundred dollars annually, or about half the amount predicted for a smaller acreage twenty years earlier. The final proof for his homestead was acquired in 1884 and he had another good crop. With land ownership assured he could now borrow more capital and he set about improving his property.³⁰

During Nielsen's first years on the land the improvements consisted of a sod stable costing \$35.00 and a sod house which was built for \$50.00. Gradually land was broken, fences and other outbuildings were put up, and trees were planted. Not until the homestead was his did he have a well dug and he added a granary and a cattle shed the same year. By 1887, the year he obtained proof on his adjacent timber claim, Nielsen had paid for the breaking of 124 acres of prairie sod at two dollars an acre. Two years later a \$250 dwelling replaced the sod house and the growing Nielsen family could easily recognize the bounty which their hands had helped to produce. Beginning in the 1880's Nielsen rented out all or part of his land, and

²⁹ Niels Chris Nielsen and T. C. Jensen, "Farm Record Book 1879-1961, Dawson County, Nebraska," microfilm, Nebraska State Historical Society; Land Office Records, Tract Book 83, Nebraska State Historical Society. Nielsen's homestead, the NE $\frac{1}{4}$ of 20-11-22W, was entered July 12, 1879, and the final certificate and patent came five years later. His timber culture claim was the NW $\frac{1}{4}$ of the same section with the date of entry on April 28, 1879, the final certificate on May 21, 1887, and the patent issued on April 18, 1890.

³⁰ *Ibid.* His borrowing for the years 1879 through 1882 had caused an interest and repayment of \$15, \$10, \$15, and \$35, and no doubt his personal property had provided security for this loan. Between 1885 and 1898 Nielsen had a total outlay of \$1,832 for interest, commissions, and repayment of his loan. He had some money collecting interest during the same period.

with the sale of 79 acres in 1891 for \$1,010 his holdings dropped to 240 acres. During the next twenty years Nielsen farmed no more than two-thirds of his land, preferring to rent out the remainder. Hardship, poverty, illness, poor crops, heavy debts, and even death, was visited on this family during the pioneering years. Their eventual release from the monotony and the exhausting labor of the years of early settlement was in keeping with the dream of virtually all homesteaders.³¹

Willa Cather aptly stated that before 1860 "civilization did no more than nibble at the eastern edge" of Nebraska, and that even "as late as 1886 the central part of the state, and everything to the westward, was, in the main, raw prairie."³² Population in Nebraska by 1870 showed an increase of 425 percent for the decade. By 1880 there were 452,402 residents, a figure which more than doubled by the time of the 1890 census. Population growth was almost stationary in the nineties, when the gain for the decade was about one-third of one percent. In the next ten years the total reached 1,192,214. The acquisition of land in Nebraska shows a close correlation to this population data. The use of cumulative figures for lands in the process of being alienated, as well as those officially transferred, emphasizes a condition of increasing scarcity of land which was highly visible to the incoming settler, who was attracted by the idea of acquiring a Nebraska homestead. [See Chart A] The ratio between appropriated or reserved land and population from 1880 to 1910 was remarkably consistent, ranging from a low of 35 acres per capita in 1890 to a high of 40 in 1880.³³

³¹ *Ibid.* In 1903 a house, with furniture and a new well, was built for Nielsen at a cost of more than a thousand dollars. After retiring from the farm he lived in Cozad.

³² Willa Cather, "Nebraska: The End of the First Cycle," in Virginia Faulkner, *Roundup: A Nebraska Reader*, (1957), pp. 2, 4.

³³ The ratio of acres per capita was for 1880—40.5; 1890—35.5; 1900—36.8; and 1910—39.6.

CHART A
A CUMULATIVE TOTAL FOR THE DISPOSITION
OF NEBRASKA'S 49,031,680^[a] ACRES OF LAND SURFACE

Years	Total acres encumbered— all classes of entries ^[b]	Total acres vacant and not appropriated	Improved Real Estate (acres)	Unimproved Real Estate (acres)	Original Homestead Entries (acres)	Final Homestead Entries (acres)	Original Timber Culture entries (acres)	Final Timber Culture entries (acres)
1870	5,342,237	39,766,857	647,031	1,426,750	1,921,516	104,357	—	—
1880	13,632,604	30,678,899	5,504,702	4,440,124	7,295,607	3,085,854	1,799,329	—
1890	35,103,185	11,226,584	15,247,705	6,345,739	16,587,534	6,578,763	8,681,428	363,712
1900	39,765,561	9,798,688	18,432,595	11,479,184	19,820,601	9,560,399	8,879,809	2,364,913
1910	56,511,282	1,879,486	24,382,777	14,239,454	34,614,710	11,862,568	8,876,351	2,546,698

[a] Territorial Nebraska had an estimated size of 219,160,320 acres.

[b] Railroad land grants from the United States to corporations in Nebraska totaled 7,641,755.78 acres and from the State (using internal improvement lands) 531,103 acres for a total of 8,172,859 acres. Grants to the State for common schools, public buildings, saline lands, land grant college and state university totaled 3,025,779 acres. The figures in the total acres encumbered column reflect railroad and state selections, generally in the decade in which this land was patented, or transferred to the State, and they show the repeated entries, under preemption, homestead and timber-culture laws on the same land. Federal reserved land was a small amount at this time.

Useful in compiling the figures on this chart were the *Annual Reports of the General Land Office*, the published U.S. Census returns and the land figures compiled by Addison E. Sheldon, James C. Olson, and Leslie E. Decker and used by them in their books.

The homestead story has been described most frequently with repeated recital of deficiencies found in provisions of the law. Further shortcomings were found in its enticement of settlers into situations offering little chance for success, with a resulting high rate of homestead abandonment. Other criticisms suggest that the law was misinterpreted and that it failed to play the important role in settlement that was expected. Some criticisms are softened by recognizing that about three-fourths of Nebraska was available for homesteading and that almost three-fourths of that area was eventually acquired by the individual settler through the use of either the Homestead Act or the Timber Culture Act.³⁴

When all provisions of the Homestead Act are considered there were 167,797 homesteads filed on by 1905 with final certificates issued to 95,998 settlers or 57 percent of the total by 1910 when those filing five years earlier were eligible for completion of their claim.³⁵ Timber Culture final certificates for Nebraska were only 30 percent of all entries under that law. Together, these settler-oriented laws gave land to 48 percent of the Nebraska settlers who entered a claim under either law.

Benton Aldrich, long a critic of free land provisions, was sure that acquisition and eventual loss of land obtained under the Homestead Act was associated with moral decay. He offered no other way to account for the families who willingly sold their fertile eastern Nebraska land as soon as it reached \$5.00 per acre in order to relocate on the western Nebraska frontier or in the Dakotas where the price was no more than \$1.25 per acre. Other critics do not usually express their views in the moral tones of Aldrich. Instead, they consider the economic impact to

³⁴ Benjamin H. Hibbard, *A History of the Public Land Policies*, (1924, 1965), p. 408; Paul W. Gates, "The Homestead Act: Free Land Policy in Operation, 1862-1935," in *Land Use Policy and Problems in the United States*, Howard W. Ottoson, ed., (1963), pp.32-43; Gilbert C. Fite, *The Farmer's Frontier, 1865-1900*, (1966), pp. 16-23.

³⁵ This data includes two years of intense activity under the Kinkaid Act, with its 640-acre homestead.



Land seekers, Broken Bow, 1904.



Settlers, moving into Custer County, 1886.



Chrisman sisters' homestead, Custer County, 1886.



J. Cramer sod house, Custer County, 1880's.

the newly settled area and some present the idea that sale of land at comparatively high prices assured a far more successful completion of the pioneer stage of farm making than those who used the Homestead Act.³⁶

In Nebraska, the sales contracts for disposal of land grants of the Burlington, the land-grant college, and the Union Pacific show a successful completion rate of about 70 percent, 80 percent, and 90 percent, respectively.³⁷ When compared to these figures the Nebraska homesteaders with a rate of success of 57 percent do not present as discouraging a picture as when measured against the ideal figure of 100 percent. To properly compare the rate of success of those involved in land grant sales and in homesteading, purchasers who paid immediately for their land should be excluded and those who bought land on an extended sales contract should be considered. The remaining total would further reduce the success rate of sales contracts to a figure more closely approximating the successful completion of Nebraska homesteads. In any case these figures show that pioneering was hazardous, not only to the homesteader, but also to the purchaser of raw land from a railroad corporation or from the state.

³⁶Benton Aldrich papers, Nebraska State Historical Society; Thomas Le Duc, "History and Appraisal of U. S. Land Policy to 1862," in *Land Use Policy and Problems in the United States*, pp. 26-7.

³⁷Richard C. Overton, *Burlington West: A Colonization History of the Burlington Railroad*, (1941), pp.383, 416, 421, 425, 431, 439, 450-1; Agnes Horton, "Nebraska's Agricultural-College Land Grant," *Nebraska History*, March 1949, p. 62; Decker *op cit.*, p. 112. A Kansas township study showed successful government land entries patented at a rate of 66 percent whereas Santa Fe sales contracts for lands in the same area were completed 53 percent of the time. An Illinois study shows completion of half of the sales contracts involving 42 percent of the land. See Allan G. Bogue, "Farmer Debtors in Pioneer Kinsley," *Kansas Historical Quarterly*, May 1952, p. 88, and Homer E. Socolofsky, "William Scully: His Early Years in Illinois, 1850-1865," *Journal of the West*, January 1965, pp. 47-8. Carl J. Ernst reported that most of the Burlington forfeitures of 1874 were made by settlers "scared out by the [grass]hoppers." See his papers, Nebraska State Historical Society.

The time lag between entering a claim for a homestead and getting the final certificate five years later must have been a time of severe trial to many homesteading families. The *Decisions of the Department of Interior Relating to Public Lands* and the dockets of the Board of Equitable Adjudication provide ample examples of problems encountered at the "grass-roots" level. Death of the homesteader necessitated Board action so that the widow or other heirs could obtain a patent. In some years Indian hostilities or overflowed land might handicap legal entry. A sample of the annual dockets shows a substantial number of female homesteaders who had failed to comply with the regulations found in the law. Some were not of lawful age when entry was made, others failed to make settlement or proper cultivation, they might have been absent for longer than six months or they might have been an abandoned or deserted wife seeking patent in her own name. One widow was further delayed by the Land Office bureaucracy because she signed her name "Matteson" but the papers had been drawn up originally for a "Madison".³⁸

But even official bureaucracy could maintain a sense of humor, as seen in a letter to a Nebraska correspondent in 1879.

The fact that the legal wife of the homestead party to whom you refer resides in the East, and the party upon receipt of patent conveys the land to a concubine who has resided with him, is a question that does not come within the jurisdiction of this department.³⁹

Two aged Nebraska women were among those who required Board affirmation to gain their patents when they failed to file their final proof in time. One was an 81-year-old homesteader who had not applied for her final proof within the required seven years because she "thought she

³⁸ *Land Office Reports, 1880*, pp. 238-258; "Abstract of Cases Submitted to the Board of Equitable Adjudication," National Archives.

³⁹ "Letter press book, General Land Office, December 6, 1879 to January 24, 1880," Book 26, p. 225, letter to M. O'Sullivan, River-ton, Nebraska, December 30, 1879, National Archives.

had another year. [She had] not had sufficient money of late to pay the expenses of making the proof." The other, a 65-year-old widow, had lived on her homestead ten years, the first few years it was entered under the Timber Culture Act, then relinquished to a homestead. Her failure to prove up as required was due to sickness.⁴⁰

These cases, decided by the Board of Equitable Adjudication, show some of the trials of the homesteader but they are not necessarily typical of what happened in Nebraska. Most of these tracts were patented to the claimant, whereas some 43 percent of the homestead entries in Nebraska were lost by the entryman. Many relinquishments made by Nebraska homesteaders were voluntary—they were paid by another settler for the right to enter their land. Such an action might have been motivated by hardship, laziness, or the realization that they could not succeed. Others were merely abandoned and no formal notice was made at the Land Office. The action of relinquishment, cancellation and new entry could delay patenting for many years. One example, not too unusual, was a quarter section in Box Butte County which was entered as a timber claim in 1884, canceled four years later and filed on as a timber claim in each of the next three years. In 1901 the fourth timber claim on that quarter was canceled and it was restored to entry. Five years later it was homesteaded only to be abandoned and a new homestead was filed in 1910, which went through to patent in 1914, or thirty years after the original entry on the land. An adjacent quarter section had been patented for 24 years by that time.⁴¹

Settlers who lost their homestead rights were defeated because of poverty, or poor crops, or illness, or death, or lack of educational or religious opportunities, or because of improper decisions, laziness or unwillingness to stick it out. They might have been burned out by prairie fire, eaten out by grasshoppers, or frozen out by bitter winter

⁴⁰ "Abstract of Cases . . ."

⁴¹ NE $\frac{1}{4}$ of Section 19-27-48W, in Box Butte County.

weather. Some incorrectly located their claim and improved property that was not their own. Discouragement and frustration helped them to give up their idea of getting free land from Uncle Sam. On occasion homesteaders who had failed in their first try for land might have gained enough equity from their claim to succeed when they made use of another of the federal land laws. The ones who did not succeed in their undertaking, as well as the entrymen who failed, helped to identify Nebraska as a "Homestead State."⁴²

The study of Nebraska land values in the years after settlement has generally been confined to averages based on the decennial census figures or on average assessed values from various state annual reports. Federal census reports show the spectacular increase in the relative value of all farm property in Nebraska so that by 1910 only three other states exceeded Nebraska's farm property totals. The figures through the decades are shown in chart B.

⁴² *Third Annual Report of the State Board of Agriculture, . . . State of Nebraska, 1871*, pp. 14-15.

⁴³ All farm property equals land, buildings, implements, machinery, and domestic animals. The figures are drawn from state reports and the *Twelfth Census of the United States, 1900*, Vol. V, and the *Thirteenth Census of the United States, 1910*, Vol. VII. In 1890 the average improved farm value nationally was \$3,523, almost identical to the Nebraska figure. The increasing divergence begins with 1900, when the national average was \$3,563, and continues at an accelerated rate through the first decade of the twentieth century so that the 1910 national average was \$6,444 or 40 percent of the average Nebraska farm.

CHART B
VALUE OF ALL FARM PROPERTY IN NEBRASKA⁴³

Years	Number of farms	Average per acre	Average per farm	Value of Farm Property as a Percent of the U. S. Total
1860	2,789	\$ 6.14	\$ 1,391	.07
1870	12,301	11.67	1,967	.34
1880	63,387	10.65	1,671	1.27
1890	113,608	18.63	3,542	3.18
1900	121,525	19.31	4,753	3.66
1910	129,678	41.80	16,038	5.07

In a detailed study of a rural Nebraska community, Robert Diller has shown that land values reflect those (shown in the table above) of Nebraska as a whole, except that a smaller area reveals a much more rapid increase in land values.⁴⁴ The modifying effect of new western lands, shown in a state-wide average, holds down the state figures. Land is not a commodity to be sold in the same way as industrial and agricultural products, it cannot be easily divided and each piece of property has individual characteristics which enhance or detract from its value. The fact that every area has a finite quantity of land should cause an increase in land value as settlers fill the area. Moreover, subsequent sales of a particular farm would show real value only at infrequent and irregular intervals, and some valuable farm real estate in Nebraska does not enter into available figures on sales values because such land has never been sold.

Preliminary figures drawn from a small sample study of fifteen of Nebraska's 93 counties show the following

⁴⁴ Robert Diller, *Farm Ownership, Tenancy, and Land Use in a Nebraska Community*, (1941), p. 30. Another area in eastern Nebraska was dealt with by Evan E. Evans, in his "An Analytical Study of Land Transfer to Private Ownership in Johnson County, Nebraska," Master's thesis, University of Nebraska, 1950.

characteristics for farm real estates.⁴⁵ In areas where land patents were obtained by 1890 or earlier, land values generally rose to an average of \$10 or more per acre during the first decade, with regular increases in value in later years. In counties where patents were obtained after 1890 a mixed situation existed with some land sales indicating a per acre value of \$10 within a decade but more generally values rose to \$6 to \$8 per acre with declines likely in later years. The available figures reveal no differences in the values of subsequent real estate transactions in a single county which can be related to the fact that the land in question was originally homesteaded, or pre-empted, or owned by a railroad corporation. Slight differences in value seem to exist where land was acquired under the Timber Culture Act, but the acreage involved was small. Perhaps a timber claim possessed a smaller value because it could be acquired without establishing a residence on the land. In almost all cases, the major advance in land prices came after 1900.

In east-central Nebraska the government tracts within railroad land grants were pre-empted or homesteaded and their patents received from ten to fifteen years earlier than the adjacent railroad land was patented. In all of these cases the land was occupied for a number of years before receiving a patent. Subsequent sales of the adjoining tracts of railroad land grants and other lands show a comparable per acre value. Where marked differences existed, the extra value of improvements presumably accounted for the variation. At times the higher priced land was former railroad land-grant and at other times it was originally homesteaded, but more generally there was no discernible difference in value of side-by-side tracts which could be based on the manner in which the land was origi-

⁴⁵ Samples were taken from the following Nebraska counties: Box Butte, Dawson, Dodge, Douglas, Grant, Hall, Harlan, Keith, Nemaha, Nuckolls, Perkins, Pierce, Valley, Washington, and York. Each sample covered nine sections which were uniformly located within each county.

nally taken from the public domain. Much evidence exists showing differences in value of land in various parts of Nebraska, but within a small area there seems to be considerable uniformity in the price for which land sold in a given year.

In central and western Nebraska the sale of railroad land grants came at about the same time that patents were received on adjoining tracts which were acquired under other land laws. In the central part of the state the value of railroad land grants and adjoining tracts was relatively equal. In the west the railroad land was sometimes sold below the minimum government price of \$1.25 per acre and subsequent sales prices, based on the limited area of the sample, were below that of nearby land which was homesteaded or obtained through other land laws. Much study of subsequent land sales in Nebraska is needed in order to evaluate properly the changes that occurred and the meaning of these changes.

Within a half century after the organization of the Territory of Nebraska more than a million people had become citizens of the area. Many of them were born there and their loyalty to the region was based on the accident of birth, but why had their parents and the other pioneers of Nebraska settled in the west? What motivated movement to Nebraska and why did these settlers feel that it was necessary to depart from their earlier home? Perhaps Benton Aldrich was thinking of himself when he wrote that many people went west because they were "too poor or too mean to live at home." He further held that:

. . . nearly all that have come west in these years . . . have come from overpopulated farms, towns, States and countries. There was a lack of land for the family of each. . . . Hence the west has been settled by those who have a deficiency of the home-spirit.—And after having sold out the home, the family lacked the means to buy a suitable farm near by, that is, it was too poor to stay—and preferred to come west.

By a parrallel [sic] course of reasoning I think I could show that these persons and families were of little more than average courage, had better than average health, were more daring—perhaps *reckless* would be a better word.

It is something that an individual or a single family dared to go among strangers for life! ⁴⁶

In Aldrich's case, the land opportunities in Nebraska served as a powerful attraction to the area. Conversely he believed that opportunity was lacking in his native New Hampshire, in Wisconsin, Minnesota, and Iowa, so he settled with his limited resources in Nebraska. John R. Maltby shows a similar motivation for removal to Nebraska, so that he could find employment available in the new land, with an eventual goal of speculation in farm lands and town property. In Maltby's case, the crisis which caused him to depart from his home and business in Massachusetts in 1867 was his wife's refusal to live with him. When reconciliation seemed impossible, Maltby headed west and it was almost five years later, when he was well-located, that Mrs. Maltby finally followed him.⁴⁷ Because he was less articulate than either Aldrich or Maltby, Nielsen's motivation for settling in Nebraska was less clear. The lack of opportunity in Denmark and in Illinois caused him to seek a location where his meager capital could best be employed and Nebraska in 1879 was most attractive to him.⁴⁸

In general the primary attraction bringing a settler to Nebraska was the economic opportunities to be found in the new land. In comparison with their own residence and their own opportunities for the future, those found in the exploitation of Nebraska's resources were enough to bring them into unsettled country. Whether they were making use of the Homestead Act, or buying land from a railroad, settlers were also influenced by the political, social, and religious institutions of the area of their homeland. Some fled to Nebraska to escape oppression of these institutions, while others hoped to quickly build a civilization in the new area. Benton Aldrich observed that, "It may

⁴⁶ Benton Aldrich papers.

⁴⁷ "Cash Book, John Rogers Maltby," entries for November 29, 1867, September 24, 1872, and January, 1873. Nebraska State Historical Society.

⁴⁸ Nielsen and Jensen, "Farm Record Book 1879-1961."

be painful to us who saw and felt the early conduct and influences of a settlement on new land, to reflect that it was a degrading process. Old ties and restraints were left, and new ones were not promptly formed."⁴⁹ According to another pioneer most of the settlers, after getting through the first few years, were "less interested in going 'back east' than . . . in having eastern comforts in Nebraska."⁵⁰

Most settlers in early Nebraska came to the new land individually or with their immediate family, rather than immigrating with an organized colonizing party. Publicity and advertisements, enumerating the advantages of settling in the state, were widely distributed by railroad corporations, land companies, and even by the state itself. Through a combination of circumstances land promotion in Nebraska found a ready reception in the booming 1880's. Addison E. Sheldon, after personal experience in this land rush, wrote that:

Suddenly, as if by unanimous agreement, about one hundred thousand of us started out to settle that region. For seven years all the westward trains were crowded with passengers, household furniture and livestock. All the dim trails stretching to no-man's land were thronged with white-topped wagons. Every settler in the northwest Nebraska region could secure 480 acres of land in his own right under the pre-emption, homestead and tree-claim acts.⁵¹

The 1880's alone saw the appropriation of almost one-half of the total area of Nebraska. After 1890 the opportunities to be found in cheap, fertile, well-watered Nebraska land were gone. Many who had participated in the boom days described by Sheldon were retreating from the hazards they had experienced from settling on marginal land which was cursed by a highly variable climate. Land disposal activities in the nineties were virtually nil in Nebraska and the federal land offices no longer were an im-

⁴⁹ Benton Aldrich papers.

⁵⁰ H. Clyde Filley, "Elijah Filley," manuscript, Nebraska State Historical Society.

⁵¹ Addison E. Sheldon, "The Deficiency Judgment: A Story of the Nebraska Nineties, The Farmers' Alliance and the Supreme Court," *Nebraska History*, October-December 1932, p. 289.

mense asset to the economy of a frontier Nebraska community. The combination of hard times and sandhill pastureland offered little inducement to the incoming settler. Occupation of Nebraska's vast public domain had averaged about 10 miles per year and agriculture was growing rapidly. But in the first decade of the twentieth century the disposal of public land in Nebraska again boomed, especially with the passage of the Kinkaid Act of 1904 and its 640-acre homestead, which was limited to about nine million acres in the northwestern part of the state.⁵² After a brief flurry of excitement prompted by new settlers coming in to occupy the last remaining public domain in the state, Nebraskans turned their attention to their own agricultural pursuits, the development of their business, and the advancement of their transportation lines. The "empire builders" of the homesteading generation had been replaced by a new generation which was to build on the solid foundations laid down by the earlier settlers. Certainly by the early twentieth century in Nebraska an old era was gone and a new pattern of life was to emerge.

⁵² Howard W. Ottoson and others, *Land and People in the Northern Plains Transition Area*, (1966), p. 58; Hibbard, *op cit.*, p. 392-3, says that 7,000,000 acres were available under the Kinkaid Act.