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Article Summary: This "footnote to history" presents a portion of a letter by George W Norris to James E Lawrence, editor of the *Lincoln Star*, in which he claims credit for developing the idea of expanding the homestead bill. The original bill allowed the acquisition of 160 acres, which was insufficient for success, particularly in the Sandhills. The new bill expanded the allowable acreage to 640 acres. Moses P Kinkaid introduced the bill for which Norris had had the original idea.

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*Representative George W. Norris, 1908.*

**GEORGE W. NORRIS  
AND THE KINKAID ACT OF 1904:  
A FOOTNOTE**

*Edited by Richard Lowitt*

INTRODUCTION

The chief claim to fame of Moses P. Kinkaid is the enlarged homestead law, applying to unappropriated and unreserved federal lands in Nebraska, specifically in the western part of the state, which he sponsored in his freshman term as a member of Congress. Kinkaid, who made his home in O'Neill, was elected as a Republican to the 58th and to the nine succeeding Congresses, serving as a representative from the old 6th District from March 4, 1903, until his death in Washington, D.C. on July 6, 1922. The Kinkaid Act permitted a homestead of 640 acres, instead of the usual 160 acres, to be acquired after five years residence and the placing of improvements to the value of at least \$800 on the land. Persons in the area who had already homesteaded on 160 acres or less could make another entry to bring their holdings to a full section of 640 acres. The law encouraged homesteading in an area, the Sandhill region, generally proven unsuitable for small-scale farming. It also provided a means of securing a more general distribution of grazing lands. President Theodore Roosevelt signed the measure on April 28, 1904, and its subsequent effect on western Nebraska has been carefully examined by several scholars.<sup>1</sup>

The legislative history of the bill is brief and uninformative. A roll call was never taken either in the House or the Senate. It was always approved by a voice vote. Kinkaid, who managed the bill as it passed the House on April 18, 1904, spoke briefly on its

behalf. However, he was not chosen as a House member of the conference committee to resolve minor differences between the Senate and House bills. And in the ten day period at the end of the 2nd Session of the 58th Congress, he said nothing on the floor of the House with regard to the measure that bears his name. The fame that Kinkaid achieved in Congress and in the history of the disposal of the public domain came easily and early in his congressional career. And it is durable, deeply rooted in the history of the American West. The Kinkaid Act is mentioned in every important discussion of the disposal of the public domain. Settlers who acquired land under its terms quickly became known as Kinkaiders. Mari Sandoz in her biography of her father, *Old Jules*, devoted a chapter entitled "The Kinkaid Comes" to the boom that developed after the Kinkaid Act went into effect.

George W. Norris provided a footnote to the Kinkaid Act presented below in a letter to James E. Lawrence, editor of the *Lincoln Star* and the man who would manage his successful campaign for a fifth term in the United States Senate later in the year. Norris wrote in response to an editorial on the Freeman Homestead Bill. Norris introduced this measure which the President on March 19, 1936, signed into law. It called for the creation of a National Monument Park on the Daniel Freeman Homestead in Gage County, Nebraska. The Freeman holding was the first homestead entry under the general Homestead Act of 1862. After commenting on the Freeman Homestead Bill, Norris shifted to a discussion of the Kinkaid Act. The letter, dated March 23, 1936, is a part of the voluminous collection of George W. Norris papers in the Library of Congress.

#### THE GEORGE W. NORRIS LETTER

...The real reason, however, for my writing you so fully at this time is because in your editorial you refer to the 640-acre homestead bill which was introduced in the House by the late Congressman Kinkaid.<sup>2</sup> It is because of my interest in that bill and in order to set history straight that I am explaining in this letter how that bill became a law.

When I was a young man in the western part of the State, I tried a great many lawsuits before the local land offices, involving title to homesteads of 160 acres of land.<sup>3</sup> I was often



*Representative Moses P. Kinkaid*

deeply impressed in trying these lawsuits with the fact that 160 acres of land in the western part of Nebraska was not sufficient land upon which a farmer could make a living. In these contests, this particular fact frequently became quite prominent. The farmer who had filed on the homestead would try to make both ends meet by going into the town or city to get employment. Some question would arise about his residence.

Some man would come along and file a contest, and the question to be decided was whether the farmer had in good faith made the particular tract of land in question his home. Some of these contests were made in good faith by the person contesting, but more often the contest came from someone who was expecting either to be bought off during the fight or, if he succeeded in getting the land, to live on it six months, pay out on it as the law provided he could, then mortgage it to some mortgage company and then leave the country.

In these various contests, running over quite a number of years, I became firmly convinced that the homestead law should be changed and that a larger number of acres than 160 ought to be permitted. When I was elected to the fifty-eighth Congress, I had an opportunity, I felt, to carry out this idea. I came to Washington a few days before Congress convened in special session,<sup>4</sup> and one of the first men I met was the Washington correspondent (I think) of the *Washington Star*. It happened that this correspondent was then the Washington representative also of the *Lincoln Star*, the paper which you now head with so much ability and credit to yourself. This man, hunting for news, asked me what I expected to do when Congress convened and what particular line of legislation I had in view. I told him of my feeling that the homestead law should be changed, at least in so far as Nebraska was concerned, to permit the taking of 640 acres of land, instead of 160 acres, I went into some detail in regard to this, with this correspondent. He published the interview in the *Washington Star*, and I think it was also published in the *Lincoln Star*.<sup>5</sup>

Judge Kinkaid, who had been elected to the same Congress, but whom I had never met before, saw this article in the paper. A day or so before Congress convened, he called me and told me he had read this interview and said he had been thinking along the same line and asked me if I would not wait and not introduce the bill until he could give it a little thought, and suggested that he

would see me and we could get together and work out a bill.

I readily consented to this; in fact, I was delighted to think that the idea I had tried to convey had made a favorable impression upon one of my Nebraska colleagues. Congress convened and for several days nothing was done. I then saw Congressman Kinkaid and suggested that we ought to get together and try to work out this bill. He told me he had been busy with other matters and asked me to wait a few days more and said he would be ready then to go into conference with me. I waited a few days and saw him again, with the same result. Then, to my surprise, some time after that the Congressman came to me with a bill already prepared and said he had prepared the bill and that it was all ready to be introduced, and asked me to name the counties in my congressional district which I thought ought to be included. I told him I was very much surprised, of course, and told him that according to my idea there was no use in putting in counties<sup>6</sup> but that the bill should apply to the whole state. This did not seem to make any impression [on] Congressman Kinkaid, and he introduced the bill immediately, without any further conference or consultation with me.

The bill met with some objection in the Department [of the Interior],<sup>7</sup> but notwithstanding the fact that I felt that Congressman Kinkaid had been very discourteous, I nevertheless did everything I could to bring about favorable reports from the Department of the Interior, and the bill, as you know, became a law. It made Kinkaid famous. Never once in all his life did he ever give me any credit for having been the originator of the idea. Of course, when I came to know him better, I knew that this was one of his peculiarities, and that he always assumed the credit wherever it was possible for him to do so, in anything that happened.

It seemed to me, as a matter of history you ought to know these facts. I think this will all be borne out by an examination of the files of the *Lincoln Star* in your own office. I am not writing this for publication, but simply in order that you may know the truth as it really is.<sup>8</sup>

George W. Norris

## NOTES

1. See the discussion in James C. Olson, *History of Nebraska* (Lincoln: 1966), 258-260. Olson presents several verses of "The Kinkaiders," a song indicating the popularity of "This Noble Moses P. Kinkaid." Addison E. Sheldon, *Land Systems and Land Policies in Nebraska—Publications of the Nebraska State Historical Society* (Lincoln, 1936), XXII, 159-167, presents a more detailed discussion. See also Arthur R. Reynolds, "The Kinkaid Act and Its Effects on Western Nebraska," *Agricultural History*, XXIII (January, 1949), 20-29; Paul W. Gates, *History of Public Land Law Development* (Washington, 1968), 498-501. The account by Gates is most comprehensive. For a discussion placing the law in a regional perspective see Mary Wilma Hargreaves, *Dry Farming in the Northern Great Plains, 1900-1925* (Cambridge: 1957), Chapter IX, especially 343-346.

2. Moses Pierce Kinkaid, 1856-1922, was born in West Virginia, trained in the law at the University of Michigan, and practiced law in both Illinois and South Dakota before moving to O'Neill, Holt County, in the early 1880's and launching his political career.

3. Norris came to Nebraska at about the same time as Kinkaid. Norris settled at Beaver City in Furnas County. He moved to McCook in Red Willow County early in the 20th century.

4. The special session convened on November 9, 1903.

5. No such interview appeared in the *Washington Evening Star* either before or immediately after the 58th Congress convened.

6. The Kinkaid Homestead area comprises 37 western Nebraska counties, several in Norris's 5th Congressional District were included.

7. The commissioner of the General Land Office deemed the bill experimental. Some congressmen feared the measure would allow cattlemen to secure additional lands by fraudulent means.

8. The only other reference wherein Norris discussed his role as the originator of the expanded homestead concept for Nebraska that I have been able to locate is a letter he wrote on March 20, 1908, to H. E. Langerin. The letter is printed in Richard Lowitt, *George W. Norris: The Making of a Progressive, 1861-1912* (Syracuse, 1963), 299-300. In this letter Norris did not name the newspaper in which the interview appeared, and he was certainly embittered toward Kinkaid. He did not want "to have the matter aired in public" because he did not want to arouse a controversy among the members of the Nebraska delegation. Senator Charles H. Dietrich had given Kinkaid some support. A search of the *Washington Star* yielded no information while a story in the *Lincoln Daily Star*, November 16, 1903, from a Washington correspondent who interviewed members of the Nebraska delegation reveals that Kinkaid and Norris were interested in pension bills and public buildings. In addition Kinkaid wanted legislation beneficial to the military posts of Fort Robinson and Fort Niobrara. Nothing was said about expanded homestead legislation.