

HOMESTEAD NATIONAL MONUMENT: AN ALBUM

by

Lisa Knopp

1. "What manner of people are these?" asks the narrator of the 8 1/2 minute film shown in the Homestead National Monument Theater.

Details of Daniel Freeman's early life are sketchy. A museum placard explains that Freeman was born in Ohio in 1826 but grew up in Illinois where he began practicing medicine in 1849. Nebraska historian Addison E. Sheldon writes that Freeman followed the progress of the homestead bill expectantly from the time Andrew Jackson first proposed it in the House in 1845 until President Lincoln signed it into law in May 20, 1862. Many times, Freeman said he wanted to be the first man to take a homestead.

Freeman claimed it was Secret Service work for the Union Army that brought him to Nebraska in 1862 just before the Homestead Law went into effect; however, the National Park Service which administers the monument found no evidence of his military career, nor did Freeman deduct his time in the service from his homestead residency requirements as veterans were permitted to do. While in Nebraska, Freeman marked off a quarter-section in Gage County, desirable because the soil was rich and Cub Creek ran through it. Moreover, it was just fifteen miles from the Oregon Trail and a few miles from the Big Blue River which meant more water, more trees and eventually, a town.

Immediately upon locating his land, Freeman broke ground, built a squatter's cabin and made the sixty mile trip on horseback to the Nemaha district land office in Brownville. The little Missouri River town teemed with settlers waiting to make their claims one minute after midnight on January 2 (the office was closed on New Year's Day), since a minute's delay could lead to an expensive, contested claim. Most of the prospective homesteaders attended the New Year's Eve party at the hotel. There, Freeman told his story. He had to report to his military post in St. Louis on January 2; therefore, he would not be in Brownville to register his claim or to fulfill his dream of becoming the nation's first homesteader.

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The revelers unanimously agreed that under these circumstances, Freeman should be the first entrant. They persuaded clerk Richard F. Barret to open the land office just long enough after midnight on January 1 for Freeman to register. No one knows whether Freeman's story of his military furlough deadline was true or concocted, but without it, he would have waited in line with thirty others for a chance to be the first to file on January 2 at the Brownville office.



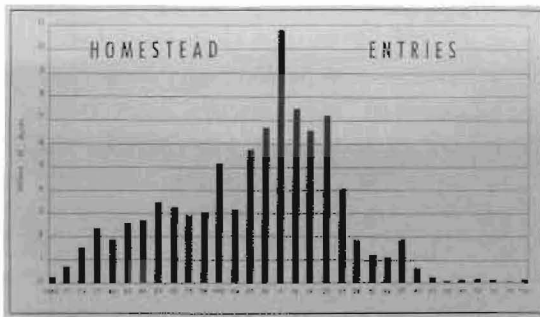
2. In the photograph, Senator George W. Norris and Representative Henry C. Luckey, both of Nebraska, hold the car door open. We see only the side of the face of the man seated in the back of the car, but that is enough to identify him as Franklin Roosevelt. Even though the President has more pressing matters to attend to—the Depression, the gathering forces of war, and the Washington D.C. flood—he pauses long enough to sign a bill creating the Homestead National Monument Park near Beatrice, Nebraska. This 1936 piece of legislation specifies that the park is to be “a proper memorial emblematical of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West.” Moreover, the Secretary of the Interior was to “erect buildings to be used as a museum . . . [which] in his judgment may perpetuate . . . the history of the country mainly developed by the Homestead Act.”

3. *“...the history of the country mainly developed by the Homestead Act.”*

Zachariah L. Broughton, a historian who researched land acquisition in South Cedar County, Nebraska, says it is a widely held myth that the Homestead Act and

to a lesser degree, the Timber Culture Act formed the cornerstone of Western settlement from the end of the Civil War until 1890, the year the frontier closed according to Frederick Jackson Turner. Broughn cites other historians who have exposed the vulnerability of the free land myth. Fred Shannon, for instance, claimed that the role of homesteading in western settlement was greatly overestimated and that the great period of homesteading was much later than assumed. According to his figures, more land was homesteaded from 1910 to 1936 than in the entire preceding 48 years. By June 1, 1890, only 3.5% of the trans-Missouri West had been homesteaded. This means that the government's offer of almost free land was not the "cornerstone of settlement" that many of our history books declare it to have been.¹

Likewise, Paul R. Gates's statistics prove that the Homestead Act did not change the method of land acquisition for most settlers and speculators, since more land was purchased after the Homestead Act became law than before its passage. Roy M. Robbins asserted that "homesteading on the high plains was pioneering at its worst." Droughts, fires, wind, grasshopper plagues, lack of trees, and overwhelming isolation caused failure and relinquishment of claims. During the first twenty years following passage of the act, 552,112 original homesteads were entered. But fewer than 30% or only 194,888 were "proved up." Despite these facts, oral histories, town centennials, silver screen Westerns, high school history texts, novels both good and bad, and more than one museum continue to commemorate and perpetuate one of our favorite and most firmly ensconced myths.²



4. ". . . it is eminently proper that the events of this period should be preserved and while the place of commemoration might be selected anywhere in the country under the Homestead Act, yet it is fitting that the place selected for its preservation should be on the land which constitutes the first homestead entry made under the act. "

Congressional Record, 74th Congress, 1st Session.

Although Freeman's farm was the first entered at the Brownville office.

other offices had their own first entrants. William Young testified that he filed a claim on his Palmyra, Nebraska, farm one minute after midnight at the Nebraska City Office in order to save himself a thirty mile return trip the next day. "On the 26th of December, 1862, I was at the land office in Nebraska City and made out papers for a homestead. The homestead law took effect January 1, 1893 [sic] so yo[u] see that just one minute after midnight Dec. 31, 1863, [sic] I had owned a homestead for sixty seconds. If Daniel Freeman took the same method to secure a homestead that I did and did his business at Brownville, then he is fifteen or twenty seconds ahead of me Brownville being that much nearer sunrise than Nebraska City."³

Application } Homestead
No. 1 } Land Office
Brownville 27 January 1893

I Daniel Freeman of Gage County Nebraska do hereby apply to take under the provisions of the act of Congress approved May 20th 1862, better known as to secure homestead to a tract of land on the Public Domain the South half of 24th & 25th of 24th & 25th of 18th Sec. 24 in Township 24th N. Range 3rd E. containing 80 acres being filed May 26th 1893 in celebration thereof on the eighth day of September 1893.

Daniel Freeman

Land Office at

Brownville 27 January 1893

I Richard F. Barrett Register of the Land Office do hereby certify that the above application is in full compliance of the provisions of the act of Congress approved May 20th 1862 and the same is approved as same right to the same.

Richard F. Barrett
Register

So, too, Mahlon Gore filed his homestead claim at the Vermillion, South Dakota, Land Office one minute after midnight (apparently, not all land offices were closed on New Year's Day as was the one in Brownville, Nebraska). Gore, a printer, had been working in his office at the *Dakota Republican* until 11:15 New Year's Eve. On the way home, he noticed a light in the land office. Not knowing that he would be the only applicant in Vermillion on January 1, Gore stopped in to file, so he could avoid the rush later in the day. Unlike Freeman, he never received the title for his land. Gore had hired Henry Fisher to live in his house while he was on a trip in Michigan. After Gore's departure, Fisher notified the land office that Gore was not fulfilling his residency requirements. If upon returning from an

unauthorized absence from his claim, the homesteader found a contestant on his farm he had three choices: "shoot him or scare him out; buy him off; relinquish to him at the best possible figure."⁴ When Gore returned from Michigan, he chose the latter.

But the most convincing claim to "number one" belongs to Orin Holbrook who not only was the first to file at the Des Moines, Iowa, office on January 1, but was the first to file a final certificate (January 1, 1868) and to receive a patent (September 1, 1869).⁵

5 *Metaphor: Carving.*

Daniel Freeman was trained as a medical doctor which in the 19th century required quite a bit of carving—especially if he provided medical services in the Civil War. If, indeed, he was in the Civil War. Once settled on his homestead which grew to include 840 acres, Freeman continued to work as a physician and coroner, the latter an occupation that also required occasional knife work.

The intent of the Homestead Act was to slice and dole the wilderness to almost anyone who was willing to work. Thus, any person who was the head of a family or at least twenty-one years of age, anyone who was a citizen (former slaves qualified) or who had filed his or her declaration of intention to become a citizen (European immigrants not only qualified but were aggressively courted by railroads that promised "Free land for the millions") was entitled to 160 acres of land valued at \$1.25 an acre or 80 acres valued from the vast public domain. Confederate soldiers were disqualified, since they had borne arms against the United States.

Native Americans were also encouraged to homestead, but for different reasons than were their non-Indian neighbors. Native Americans held titles of ownership to vast expanses of desirable land. Homesteading under the Dawes Severalty Act of 1887 was seen as a way to destroy tribal communalism in both land and government. But the requirements for ownership under this act were excessively stringent: Native Americans could not "prove up" until twenty-five years had passed—five times the length of time expected of white and black homesteaders. Eventually, the land of most Native American homesteaders fell into white hands. Thus between the passage of the Dawes Act in 1887 and its reversal under the "Indian New Deal," 60% of Indian lands were lost through sales of lands declared surplus. Another 20% were lost through the disposal of homesteads.⁶

Carving a place in the wilderness was not enough for Freeman; he wanted to carve a place for himself in state and national history as well. As early as 1884 Freeman championed his quarter section as a suitable memorial to the Homestead Act. What he envisioned was a park. Freeman's fame as a homesteader eventually reached far beyond Nebraska's borders when Augusta Strohm's huge oil painting,

"The Freeman Homestead," was displayed in the Women's Exhibition Building during the Columbian Exposition in Chicago in 1893.



6. *Homestead National Monument Photographs.*



*Mr. and Mrs. Daniel Freeman pose with six of their eight children, circa 1887. The daughter and three sons towering above their seated parents are adults and all quite handsome. The daughter and son sitting between Daniel and Agnes are perhaps four and six years of age. Daniel is hoary-headed with a long, pointed beard. He looks more like his wife's father than her husband. The museum does not tell Agnes's story—where she came from, how she felt about tall grass prairie, her husband's hunger for fame, or spending more than a quarter of her life as a widow.



The display entitled "Women and Children" attempts to challenge our misconceptions. In the upper right-hand corner the four Chrisman sisters stand before their soddy. They are young, dark-headed, and attractive. Each sister acquired three quarter sections—one under the Preemption Act of 1841, another under the Homestead Act of 1862, yet another under the Timber Culture Act of 1873—for a total of 480 acres each or 1,920 acres combined. The sisters are not the rare prairie flowers one might think. Twelve percent of all applicants for free federal land were women; 59% of them were under twenty-five years of age; the percentage of women proving up was comparable to or higher than that of the men proving up in most counties.⁷ But because the museum presents these women homesteaders separately from the other homesteaders, the display reinforces the myth that white men settled the Plains. Moreover, it contrasts sharply with other messages in the museum about a woman's position. Directly across from the Chrisman sisters, for instance, is a wooden rotary washing machine. The placard describing the display states: "Not every settler could afford to buy his wife one of these." Does Agnes Suiter Freeman belong more properly with the homesteading Chrisman sisters or with the anonymous wife who may or may not have received a coveted roller washer from her homesteading husband?

7. *First placard in the display room: "Free land didn't begin with the*

Homestead Act. "

European explorers and settlers described the lands of the western hemisphere with the Latin term *terra nullius*. Does this mean that the lands were void of any human habitation or does it mean that because the human inhabitants did not think, act and worship as European Christians, they did not count? No matter how one phrases and interprets, the result was the transfer of native titles to European crowns and immigrants. Those who could not see the land as vacant, justified the dispossession by echoing the sentiments of John Quincy Adams who asked, "What is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? . . . Shall the fields and vallies[sic], which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness?"⁸ Adams is implying that land should go to farmers since farming was superior to hunting. But governmental policies that linked land ownership with higher use ignored the efforts and rights of the Mandans, the Pawnees, the Kausas, the Arikaras and other long-established agriculturalists.

Prior to the American Revolution, the Crown acquired Indian homelands and gave them to the colonies. Settlers worked the land for a company, the Crown, or a proprietor and paid quitrent in lieu of the required feudal services. Sometimes land was given as a reward for military service or as an inducement to military enlistment or settlement (the latter, William Penn's method), but for the most part, settlers did not own it. After the Revolution, the Continental Congress passed the Ordinance of 1785 which permitted one to purchase land directly from the government for a fee as soon as the Indian title was cleared and the land was surveyed. But this system was neither as democratic nor as egalitarian as it sounded, since the individual vied with speculators for desirable plots and the latter usually won. As in the "Old World," a few individuals acquired most of the land.

Because the agrarian aristocrat and imperialist Thomas Jefferson believed that those who work the earth were God's chosen people in "whose breasts He has made His peculiar deposit for substantial and genuine virtue," his vision of the new republic required that as many as possible should own and farm land. Jefferson reasoned that a nation populated with virtuous and independent yeomen was the best foundation for democracy. While Jefferson's dream does not translate into the present century, it did seem feasible at a time when the public domain included 1,800,000,000 acres. Indeed, Uncle Sam was real estate-rich enough to provide a plot for every industrious white home-seeker.

But free land under the Homestead Act wasn't really free. It required time, money, and red tape. A display mid-way through the loop in the Visitor's Center details the four-step process home-seekers had to complete before receiving a patent

or title. First, one made an application after which one had six months to move onto the land. Daniel Freeman's famous filing written in a beautiful hand bordering on calligraphy appears on the left. Second, one paid the fees (\$12.00 in Daniel's case). Third, following at least five but no more than seven and one half years of continuous residence, the "Proving Up Papers" had to be filed and the fee paid (\$6.00 in Freeman's case). Since Freeman did not file until January 20, 1868, he was the thirteenth to receive a title from the Nemaha District Land Office which by then had moved west from Brownville to Beatrice in response to population shifts. Finally, the patent or title arrived, September 1, 1869 in Freeman's case. It was appropriate for framing.

The placard for the final display on the loop reminds us that the Homestead Law worked better on paper than it did in practice: "Many settlers failed to meet the requirement for ownership and the best lands were soon taken." Those raised in the eastern United States or Europe were poorly prepared for the arid, windy conditions of the Great Plains. While the land was free except for the processing fees, most settlers needed a good supply of cash to sustain them until the farm was well-established. Those who did not have capital often went bankrupt. William H. Beezley observes that because homesteaders could not use their land as collateral until they received the title, they were severely restricted in their access to mortgage funds and other types of credit. Likewise, residency requirements forbade homesteaders from leaving the land to take temporary employment. Nor were homesteaders permitted to sell parcels of land or timber for income. It comes as no surprise, then, that between the years of 1862 and 1883, only a little over half of those who filed in Nebraska received the patent on their original entry."

But the last display omits the failures: "Through homesteading the government transferred more than 270 million acres to private ownership—over 10% of the total area of the United States." A chart shows the number of homestead applications by state (a total of 105,000 in Nebraska). During the peak year of 1913, 60,000 applications were made nationwide. In 1935, the supply of suitable land was exhausted. But we were slow to relinquish our dream of free land: the Homestead Act was not repealed until 1976.

8 *The Rest of the Story.*

In 1935, Secretary of Agriculture Henry A. Wallace proposed that the prairie museum near Beatrice also include "items of Indian historical interest."¹⁰ But Wallace's suggestion wasn't taken. Neither was the hope expressed in an *Omaha World Herald* editorial (May 26, 1936) that the pioneer museum at the Freeman farm would develop a realistic representation of land settlement policies and their consequences. "We are beginning to realize, in a vague kind of way, that our

pioneering was not altogether good, that the perpetuation of some of the error in it now calls for rather drastic measures of correction. The museum should show in a graphic way both sides of the shield."¹¹

The museum ignores the relationship between Native Americans and the Homestead Act. The museum could, for instance, include a placard listing the fifteen treaties that opened the future state of Nebraska to homesteaders one piece at a time between 1825 and 1882 and explain the effect of these agreements on land values. For example, the land in and around Freeman's farm was purchased from the agrarian Kansa Indians for 1/2 cent per acre in 1825 and then sold at the standard price of \$1.25 per acre.¹² In 1936, the government paid Freeman's heirs \$18,000 for the 162.73 acres which would become the Monument farm—about \$110 per acre.¹³

The museum could, but does not include a display and placard about the 1864 Battle of the Little Blue, when a militia of 34 men from Beatrice (one of whom was Daniel Freeman) responded to rumors of Indian uprisings. Beginning in 1862, the Cheyenne, Sioux, and others had killed or captured several people on the Oregon Trail, burned their wagons and driven off their livestock. Settlers near Beatrice feared the same for themselves. The militia "knew that the Indians were defiant and thought they could do as they pleased, go when and where they wanted to, and these men were willing to risk their lives to teach them a lesson if it could be done. This was the kind of material of which the early settlers of Nebraska were made," wrote Captain Edward B. Murphy of the Seventh Iowa Cavalry.¹⁴

The Captain provides no background for the hostilities. He does not explain, for instance, that under the Kansas-Nebraska Act of 1854, the "*permanent* Indian frontier" was opened to settlement (italics are mine). Nor does the Captain explain that under the 1851 Treaty of Fort Laramie, Sioux leaders and representatives of the U.S. government agreed that the latter could establish roads and forts in exchange for \$50,000 a year in provisions, merchandise, livestock, farming implements, and for protection of Indian lands from white plunder. Both Native Americans and the government ignored the terms of the treaty. Warfare continued between whites and Native Americans and between different tribes, and Native Americans continued "to suffer from the vast numbers of immigrants who pass through their country, destroying their means of support, and scattering disease and death among them,"¹⁵ according to a former commissioner of Indian Affairs.

Travelers on the Oregon Trail weren't the sole source of Indian aggravation and suffering. Historian Roy Robbins says that as with most other treaties, Congress delayed or misappropriated annuity money. Goods that were received were often inferior. Just as grievous, the Sioux did not learn until after the fact that an agreement under the 1851 treaty promising them annuities for the next fifty years

had been reduced to just fifteen years. Minnesota Sioux agent, T. J. Galbraith said that the government's failure to live up to treaty promises was the reason for the hostilities along the Oregon Trail that began in 1862¹⁶ and concluded with the surrender of the Sioux at Fort Robinson in 1877.

9. *Real western history*

The real core of western adventure, the driving passion for most Euro-Americans was the pursuit of prosperity and profit. For most, this meant acquiring and defending a land title. Thus, Homestead National Monument or a restored land office is the place that will best capture the essence of American history. In fact, says New West historian Patricia Limerick Nelson, "If Hollywood wanted to capture the emotional center of western history, its movies would be about real estate. John Wayne would have been neither a gunfighter nor a sheriff, but a surveyor, speculator, or claims lawyer. The showdowns would occur in the land office or the courtroom; weapons would be deeds and lawsuits, not six-guns. Movie makers would have to find some cinematic way in which proliferating lines on a map could keep the audience rapt."¹⁷



If you drive past Homestead National Monument, you may wonder the point of stopping. The Visitor's Center looks as though it houses Boy or Girl Scout administrators rather than facts and artifacts of national history. While the

Monument includes several miles of trailside museums, you may wonder how these differ from trails in your city park. And too, nothing remains of the houses Daniel built. All you see are signs marking the spot of his squatter's cabin; the original homestead cabin where he lived with his bride for nine years; the two-story house, built with bricks made from Cub Creek clay. The graves on the far western boundary which mark Daniel and Agnes Freeman's final resting spots are nothing to write home about unless you are struck by the difference in epitaphs. Daniel's: "Filed on first homestead in U.S.A.... Soldier, Doctor, Sheriff, and Farmer. A true pioneer." Agnes's: "A true pioneer mother."



From the highway, you might not guess that the ragged field west of the Visitor's Center and Cub Creek is a 100-acre tallgrass prairie, restored as closely as possible to its 1863 condition. Begun in 1939, it was the second prairie restoration project in the nation, the first undertaken by the National Park Service. For prairie enthusiasts, it is worth a day's drive. The first time I visited the monument was in late July, when the prairie was purple, orange, and green with hoary vervain, black-eyed susan, wild bergamot, and butterfly milkweed. To reach the prairie simply exit the Visitor's Center through the back door and cross the foot bridge spanning Cub Creek to the left. Shed the feeling that you are trespassing as you follow gravel paths through waist-high grasses. Continue until you no longer see Highway 4, the satellite dishes in the Pioneer Acres housing development, the barbed wire reinforcing the Osage orange hedgerow, the smokestacks of Farmland Nitrogen or the Cominico Fertilizer plants. Once there imagine that you are a former share-cropper, tenant farmer, slave, or peasant and for the first time, you are beholding

this vast expanse of land, this modern Canaan, this "gate of escape to the free conditions of the frontier" as Frederick Jackson Turner called it.¹⁸ Imagine the lengths to which you would go to obtain and preserve the title to such wealth, status and possibilities.



When you return to the Visitor's Center from the prairie, note the extent to which our driving passion for land has shaped our telling of history. Verna Armstrong's oil paintings of pioneer life present idyllic scenes—a circle dance outside the cabin; family time by the fireplace—but suggest none of the hardships of homesteading. One display case contains a coil of "bob wire" and a placard explaining that in the conflict between cattlemen and homesteaders, "Barbed wire helped 'nesters' emerge victorious in the struggle for control." But not one placard or display case explains the conflict for land between the original inhabitants and the newcomers. In truth, you will not find images of the 19th century American Indian as victim of loss of land, independence, or self-determination in this museum. No native voices tell the other story of what this monument commemorates—simultaneous acquisition and dispossession. It is as if the handwritten sign next to the roller washer, "Help Protect Your Past. Please Do NOT Touch," refers to the version of history we are presented with at Homestead National Monument.

NOTES

1. Broughn, Zachariah, "The Free Land Myth in the Disposal of the Public Domain in South Cedar County, Nebraska." *Nebraska History* 58 (1977): 359.
2. *Ibid.*, 362.
3. Mattison, Ray H. "Homestead National Monument: Its Establishment and Administration." *Nebraska History* 43 (1962): 4.
4. Dick, Everett. "Free Homes for the Millions." *Nebraska History* 43 (1962): 223.
5. Mattison, 3.
6. Berkhofer, Jr., Robert F. *The White Man's Indian* (New York: Vantage Books, 1978), 174.
7. Lindgren, H. Elaine. *Land in Her Own Name: Women as Homesteaders in North Dakota*. (Fargo: North Dakota Institute for Regional Studies, 1991), 19.
8. Quoted in Lynn H. Parsons, "'A Perpetual Harrow Upon My Feelings': John Quincy Adams and the American Indian." *The New England Quarterly* XLVI (September 1973): 343.
9. Beezley, William H. "Homestead National Monument: Its Establishment and Administration." *Nebraska History* 43 (1962): 16
10. Mattison, 16.
11. *Ibid.*, 22.
12. Wishart, David. "Buying Nebraska from the Indians." *NEBRASKALand* ** (March 1990): 15.
13. Mattison, 23.
14. Subheading, "From Memoranda of Captain Edward B. Murphy," a memorandum reprinted in the 1919 *Publication of the Nebraska State Historical Society*.
15. Olson, James C. *Nebraska History*. (Lincoln: University of Nebraska Press, 1974), 132.
16. Robbins, Roy M. *Our Landed Heritage: The Public Domain, 1776-1970*. (Lincoln: University of Nebraska Press, 1976). 230.

17. Limerick, Patricia Nelson. *The Legacy of Conquest: The Unbroken Past of the American West*. (New York: W. W. Norton, 1987), 55.

18. Turner, Frederick Jackson. "Contributions of the West to American Democracy." *Frontier in American History*. (New York: Henry Holt & Co., 1920), 244.