

A FUNNY THING HAPPENED ON THE WAY TO THE LAND OFFICE

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I needed an example. I wanted to show a patent from the BLM (Bureau of Land Management) website and its matching homestead case file—and I wanted to use an example from my own family. I knew it wouldn't be easy. Many people misunderstand what is on the BLM website. It is run by the Eastern States office of the BLM. This office covers public-land states along the Mississippi and eastward.

The website, therefore, has patents for those eastern states up through 1908, but not for the western states. That's where the problem arose. By the time the Homestead Act was passed in 1862, much of the land in eastern states had already been sold through cash sales and other acts. Of the eastern states, only Minnesota and Arkansas have any significant amount of homesteaded land. Other states have some homesteaded land (the act wasn't ended until 1972), but I couldn't find any family members with homestead entries on the website.

However, there was a second opportunity. Beginning in 1908, serial patents were issued from Washington for all states, so-called because each was assigned a serial number when it was issued (i.e., they aren't organized by locality, but chronologically). The BLM website has been adding these serial patents to the website, which therefore include both eastern and western states. Quite a bit of the land in the Great Plains and American West was patented after 1908, and some of it was by homesteading. I knew that my great-grandfather Hans Madson and his family had gone to the Nebraska sand hills in anticipation of becoming "Kinkaiders." The Kinkaid Act of 1904 was one of several special homestead acts passed to recognize that land in the plains and mountainous west just didn't fit well with the terms of the 1862 act.

I went to the BLM website and searched for Hans Madson (and variant spellings) in Nebraska. There was no entry for him, but I recognized a familiar name. His eldest son, Hans P. Madison, had a 1911 patent. I knew that when great-grandpa moved back to Iowa, the man my mother called "Uncle Pete" had stayed in western Nebraska. Pete was the son of Hans' first wife, Karolina. They had immigrated in 1878 with Hans Peter and his baby sister. Two more children were born before Karolina died. Hans then married my great-grandmother Christina who had been widowed while pregnant, and they had ten more children.

I printed the patent from the website. Now to find the case file. I called the BLM Wyoming office (it covers Nebraska), which informed me that they had sent the case files to NARA in Washington, but they weren't positive where they ended up because of some bureaucratic shuffling during the processing. So I hired a professional researcher in Washington to track down the case file first hand and have the entire case file copied.

When the documents arrived, I flipped through them. Imagine my horror as I saw that in 1910 Hans P. had

sworn that "I am a native born citizen of the United States, I do not know what state I was born in, my parents are dead, they died when I was a small child, and cannot find out where I was born."

I talk about land fraud, but I hadn't planned on using my own family as an example! Furthermore, I was amazed at the nerve. The Madson family was well-known in the area—and one of the deponents who testified that the statement was true was the brother-in-law of Pete's step-mother Christina, who had lived on Hans Madson's property. The land location left no doubt that this was Uncle Pete. But why would he lie? Hans had become a naturalized citizen, so Pete was naturalized, too.

The answer is that he didn't lie—well, not exactly. Another document in the case file, a statement made in 1905, provided surprising information. Hans Peter Madison said "That at the time he entered said tract, he was residing with Hans Madson on his ranch, in Deuel county, Nebraska, and had resided with him during his (affiant's) life-time, and never knew any other father than said Hans Madson. That said Hans Madson always represented to affiant that he was his father and that the wife of Hans Madson was his mother, and the latter always represented to affiant that she was his mother, up to the time of her death which occurred about twenty-one years ago, and at a time when affiant was only nine years of age. A certified copy of the Citizenship papers of Hans Madson was filed with his homestead application, as at the time the said Hans Madson represented that affiant came over from Denmark with him when he was very young."

"That since he made said final proof, Hans Madson has told him repeatedly that he was not his son, but that he got him when he was very young, and that he had always lived with him, and at other times he would say to him that he was his son, but that he was born illegitimately, and separated from him leaving affiant in doubt as to his birth place. That so far as affiant has any knowledge, he believes that he was born in Council Bluffs, Iowa, which place he left when he was twelve years old, and then moved to Deuel County, Nebraska where he has resided for the past eighteen years. That for fifteen years of the time, he lived with Hans Madson, that about three years ago Hans Madson left Deuel County Nebraska, and went to Iowa, and it was at this time that the said Hans Madson told the affiant that he was not his son, and that the affiant is in doubt now as to where his birth place really is, Denmark or The United States, and makes this affidavit for the purpose of placing before the Land Department, all of the facts with reference to the matter."

Surely Pete knew he was Danish (having to learn English at the age of 5 would have been a big clue), but if Hans wasn't his father, his citizenship by virtue of Hans's citizenship was lost, hence the claim he was born in Council Bluffs. Apparently all involved agreed that this would be the simplest solution to this problem.

Was Uncle Pete the son of Hans and Karolina? Yes. Years ago I had located his baptismal record in Vester Uslev, Maribo, Denmark, in 1874. So is the lengthy deposition a lie? No, it would have been pointless. I am speculating, but I suspect that father and son had a fairly strong disagreement and that the father lashed out verbally in anger. Notice the timing of the revelation, when Hans

had given up on western Nebraska and was moving the family. Did Pete refuse to go?

Apparently the rift was mended, and Hans's angry statements retracted, because both groups of descendants believe Pete was Hans's eldest son.

Land records are boring? I don't think so.

The lesson? No single document can be relied on to provide an accurate picture of our ancestors.