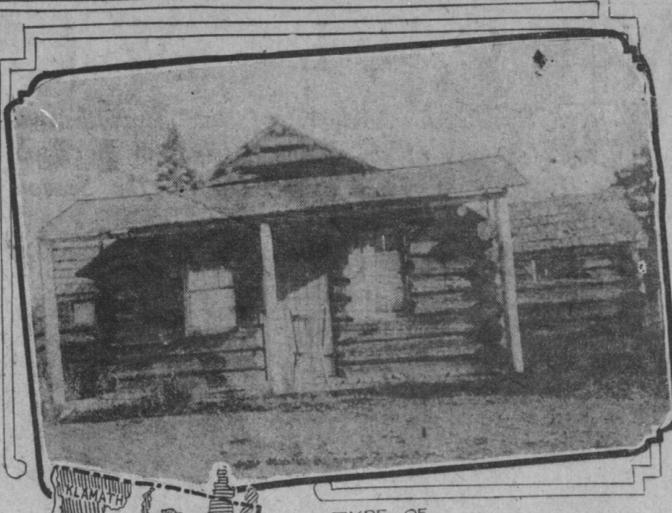


Uncle Sam STILL HAS CALIFORNIA FARMS TO GIVE AWAY FOR A SONG



PARTY OF HOMESTEADERS IN MENDOCINO COUNTY



A TYPE OF HOMESTEADER'S HOME

By Arthur H. Dutton

There is plenty of government land, and good land at that, awaiting the home seeker in California, notwithstanding a popular belief to the contrary. The amount, too, is considerably in excess of that shown on the records of open land in the United States land office.

Officially, as shown by the books, there were open for entry in California on July 1, 1910, 24,884,884 acres of public land, largely desert or mineral land, but nearly or quite half of it suitable for farming, grazing or other agricultural purposes; in other words, suitable for homesteads.

But there are two other classes of public land upon which homesteads, in most cases very desirable, may be entered, which the land office records do not show at first glance. The actual land open for entry and suitable for homesteads is fully 40 per cent greater than the land office reports show. This situation seems strange, but it is easily explained.

In the first place only about two-thirds of those who enter public lands for homesteads "prove up," that is, comply with the legal requirements for a final patent, which is the title obtained from the government. The other third forfeit their claims and the land they have entered reverts to the government and is reopened for entry. These forfeited claims are being reported daily to the land office and in nearly every case the claim is for land suitable for a homestead. Therefore, instead of about 10,000,000 or 12,000,000 acres of public agricultural land being available for homesteads in this state there are in reality nearer 15,000,000 or 16,000,000 acres.

How may the existence of this vacant land be discovered? The answer may be ascertained by a consideration of the procedure in the distribution of government land under the homestead laws.

After the homesteader has made his entry for a piece of land, be it 40, 80, 120 or 160 acres—these being the units and 160 acres the limit allowed—he is given seven years to make final proof of residence and cultivation and improvement. A careful record of date of entry is kept in the nearest local or branch land office. Promptly on the expiration of the seven years' time limit for final proof, if nothing has been heard from the entryman, a notice is sent to him, to his address of record, giving him—or her—30 days in which to show cause why the entry should not be canceled. Unless proper cause is shown, the entry is canceled and the land affected is restored to the public domain, open for entry by the next one who desires it. Proper cause is rarely shown. If the entryman has complied with the law in the matter of residence, cultivation and improvement, no time is lost in "proving up." If final proof is not made within the statutory seven years, it is almost invariably because the entryman has failed to "make good" on his claim and the entry will therefore be canceled.

As said before, fully a third of the entrymen fail to "make good." It is therefore worth while to keep an eye on entrymen who have not yet "proved up."

But one does not have to wait the seven years to see whether or not an entryman is going to "prove up" on his homestead. If, within that period, it is discovered that the entryman has not complied with the law, a contest of the entry may be filed. There are several grounds for contest. For example, if the entryman fails to make his "settlement," as it is called, that is, if he fails to make his home on the land—to the exclusion of any other home—and begins his actual residence and cultivation within six months of date of making entry, that of itself is just ground for contest. Again, if the entryman absents himself for any length of time from his claim, without permission of the land office, or does not maintain his residence continuously and keep up his improvements regularly, year in and year out; or, if he otherwise defaults in the legal requirements, a contest may be filed and, if the charges are sustained, the entry is canceled and the contestor has the first right to a new entry. It may be said here, though, that absence incident to service in the army, navy or marine corps, or absence necessitated by the duties of an elective public office, can not be charged against an entryman; his residence goes on constructively just the same under these conditions.

To make this process still more clear, let us describe a typical case: An entryman, who may be called Smith, files on 160 acres of land for a homestead. Within six months, let it be allowed, he makes his "settlement," builds a small house, cuts down a few trees, perhaps plants some vegetables in a small kitchen garden. Meanwhile, he has another home in the city, a couple of hundred miles away. After spending a few weeks on his claim, he locks up his house, packs up his things and goes to the city home. There he remains, following some business or trade, and making only an occasional

trip to his claim, to hunt, fish or take a vacation. Along comes a homesteaker, Jones, who finds out that Smith is really not in good faith residing on and continuously cultivating and improving his claim. Jones gets at least two witnesses among the neighbors, or from the city where Smith is really living, to testify to Smith's derelictions. He then files a contest at the nearest local land office or at the county seat. The only way that Smith can save his claim from being canceled is to bring testimony that will refute that of Jones. As a general thing, however, the facts in the case are such that a contest can not well be considered if the evidence is not all against Smith and his like.

The contest being decided in favor of Jones, the latter then may enter the land himself and get it—provided he himself complies with legal requirements. In many, if not most, cases, the defaulting entryman has let his claim go because he got tired of the work, or had not money enough to keep himself going until his claim began to pay, or because of some unforeseen event. In such a case Jones may confer with Smith, showing him the futility of fighting the contest, or perhaps, offering to pay Smith for what improvements he has put on the place, on condition that Smith will relinquish his claim to the government. Jones then will carry the signed relinquishment to the land office, hand it in and immediately enter the land himself. This last is the most common practice in the case of contest of a defaulting entryman, who, knowing, as he nearly always does, that he could never "prove up," as witnesses are not apt to

perjure themselves in the matter of his compliance with the law, is generally glad enough to relinquish, after receiving a fair compensation for what little work he really has done on the place.

Fine land is thus frequently being secured by bona fide home seekers in this and other states. The prospective homesteader may get in touch with forfeited land by securing one of the maps that may be purchased at the land offices (Eureka, Independence, Los Angeles, Oakland, Redding, Sacramento, Susanville and Visalia) and with it making a pedestrian or equestrian tour through the region in which he desires to settle. Whenever he runs across a piece of desirable land apparently unoccupied, he has but to look at his map, identify the land, make a memorandum and when he returns to the land office make inquiry as to its status. If he finds that it has been entered but not yet patented he can get the date and then readily discover from the neighbors whether or not the entryman, provided he has not yet made final proof, has been complying with the law; in other words, he can find out whether or not the land is open to contest.

And there is another way to find a homestead site not included in the usual reports of "open for entry" and that is to ascertain the seven, or nearly seven year old entries and watch them. If the notice of the land office in such cases does not bring response, then the new homesteader may be in line to file on the claim of one of the delinquents. All that has been said thus far relates to land outside of the federal reserves. Within the forest reserves there are thousands of acres of good agricultural land available to the home seeker. This is something not generally known. It is the common belief that when the federal government withdraws the land from entry and makes a forest reserve of it, the land is withdrawn from entry. The reverse is true. Every bit of land withdrawn from entry is suitable for agriculture and may be given to the home seeker under the land laws. Here is what the United States department of agriculture has to say about this in a recent official publication:

A Tip: When You See a Homestead You Would Like Look Up The Entryman's Record and See if He Has Fertisited The Place. Much Good Land Not Shown on The Open Records May Be Had for The Asking!

obey the law and take the land for a home, and not for other purposes. "A national forest, then, does not in the least shut out real settlement. It encourages it. The more settlers, the more men to fight fires the better protection the forest will get and the better and fuller will be the use of all its resources."

A homestead in a national forest is, indeed, particularly attractive. The forests are well policed; they are well protected against fires; timber may be had from the forest itself, under prescribed regulations, for the use of the homesteader and the forests are in beautiful, healthful localities.

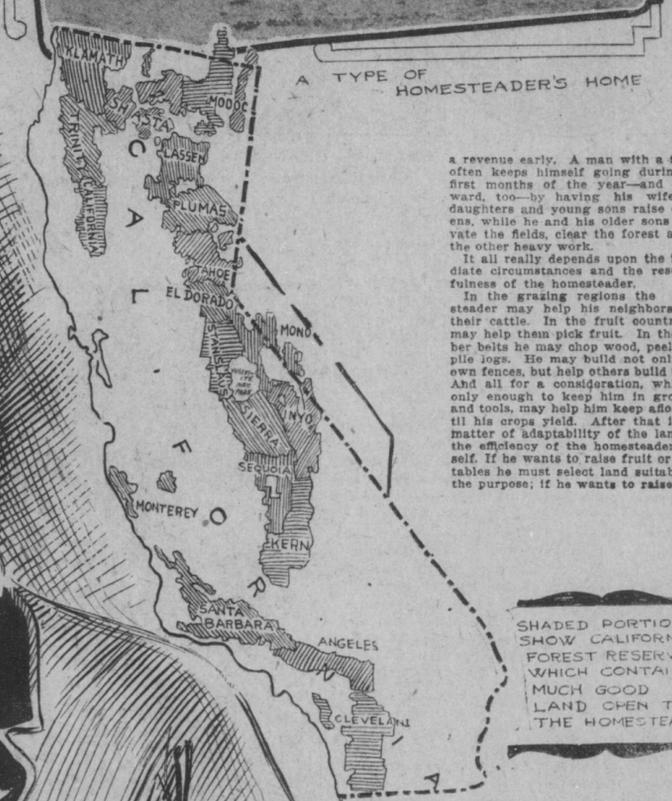
Arizona, Montana, Nevada, New Mexico, Utah and Wyoming all have more public land unappropriated and unreserved than California, but Wyoming alone has more good agricultural and grazing land than California. It will doubtless surprise many to learn that there is open public land in many middle west and southern states as well as in western. Most of that in quantity, however, is small in quantity and not desirable for homesteads. The accompanying list shows the open land in the various states and territories:

State or Territory— Acres unappropriated.

| | |
|------------|-------------|
| Alabama | 106,210 |
| Alaska | 388,014,785 |
| Arizona | 41,491,305 |
| Arkansas | 812,703 |
| California | 98,884,584 |
| Colorado | 21,720,152 |
| Florida | 483,000 |
| Idaho | 24,151,804 |
| Kansas | 137,180 |



CAMPING OUT WHILE THE CABIN IS BEING BUILT



SHADED PORTIONS SHOW CALIFORNIA FOREST RESERVES WHICH CONTAIN MUCH GOOD LAND OPEN TO THE HOMESTEADER

a revenue early. A man with a family often keeps himself going during the first months of the year—and afterward, too—by having his wife and daughters and young sons raise chickens, while he and his older sons cultivate the fields, clear the forest and do the other heavy work.

It all really depends upon the immediate circumstances and the resourcefulness of the homesteader.

In the grazing regions the homesteader may help his neighbors with their cattle. In the fruit country he may help them pick fruit. In the timber belts he may chop wood, peel bark, pile logs. He may build not only his own fences, but help others build theirs. And all for a consideration, which, if only enough to keep him in groceries and tools, may help him keep afloat until his crops yield. After that it is a matter of adaptability of the land and the aptitude of the homesteader himself. If he wants to raise fruit or vegetables he must select land suitable for the purpose; if he wants to raise poultry or hogs he must choose land suitable for those purposes, and so on.

Conversely, if he takes the best land he can find he must find what that land is best adapted to and what the conditions are for marketing his produce and then select that specialty for his occupation. There is plenty of good public land awaiting the settler in this state. Tens of thousands of homes, with broad acres around them, are offered by the federal government in California to the city dweller or the immigrant from the east and south. New railroads are being constructed rapidly, new sections being opened up. It is likely that when the visitors to the Panama-Pacific exposition have seen and appreciated the conditions in this state the number of acres of public land will be quickly and greatly diminished.

In the accompanying table the location and amount of the public lands in

California are stated:

| Land District | Acres | Land District | Acres |
|----------------|-----------|---------------|---------|
| Independence | 10,154 | Visalia | 148,005 |
| Alpine | 4,208,642 | Kern | 138,702 |
| Imperial | 77,494 | Kings | 83,737 |
| San Bernardino | 3,805,028 | Monterey | 2,400 |
| San Diego | 452,149 | San Benito | 9,066 |
| Santa Barbara | 40,884 | San I. Obispo | 26,655 |
| Santa Clara | 115,810 | Fulda | 67,041 |
| Total | 9,544,097 | Total | 425,237 |

There is vacant land awaiting the settler in every county of California except San Francisco county. It ranges from the finest agricultural, dairy and grazing land to the arid desert. It includes mountain and plain, timber and mineral lands. The state is divided into eight land districts, each with a local or branch land office in it, where entries are filed, notices of final proof made and all other details of acquisition attended to.

The problem that occupies most homesteaders is how to live during the early period of residence, before the land is on a paying basis. It is assumed that the homesteader has sufficient funds to provide himself at the start with tools, farming implements and enough provisions to keep him going for a few months at least. He is very apt to make a failure if he has not, for few hitherto unimproved homesteads pay from the start. If the homesteader has enough money to keep him going for a year, or if he has an independent income sufficient to keep him going until his crops yield, he is all right, provided that he knows the capabilities of his land and understands how to avail himself of these capabilities. Otherwise, he must expect some sore straits.

Many homesteaders, during their period of making good, or at least the early months of it, can keep themselves going by doing odd jobs for neighbors when not working on their own places, or by engaging in some business upon their land. For example, some homesteaders keep a cow or horse—they usually do—selling the milk of the cow and perhaps renting the horse to neighbors or to campers. Others, if adept, may conduct a small carpentering or blacksmithing shop, or pursue some other trade on their land, besides cultivating it.

In California it is a common practice, if the land, water and other conditions are favorable, to raise chickens or hogs, both of which will nearly always yield

mute the balance of his time by the payment of \$1.25 an acre of land entered. Notice of his intention to make final proof must be advertised for three weeks in advance, and his evidence must be supported by four witnesses, at least two of whom must accompany him when he makes the proof before the local land officer or county clerk.

Yes, there is more good public land awaiting the homesteader in California than most people imagine. And a government patent is the best of all titles. It is guaranteed by the United States.