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CHALLENGING IMPERIAL EXPECTATIONS BLACK AND WHITE FEMALE HOMESTEADERS IN KANSAS

TONIA M. COMPTON

In 1870 on the southeastern Nebraska prairie near Beatrice, a young Bohemian woman, Ann Schleiss, set up housekeeping on her homestead claim near Beatrice. At twenty-two years of age, Schleiss staked her claim on 160 acres of the American public domain. She established her residence there in April, moving into a “very poor dilapidated [sod] structure” that was already on the land. Her family lived only a half-mile away and, after planting her first crops with the help of locally hired men, she returned home. Schleiss at times hired out as domestic help in the area. In July, she returned to her own claim where she worked to cultivate nineteen acres, five of which

were sown in rye. She also began building a new domicile on her homestead, starting work on a block house to replace the decaying soddy. Ann Schleiss was one among hundreds of female homesteaders in the nineteenth century. Assistant Attorney General Walter Smith described Schleiss as “just the person that the homestead law in its spirit grants a home.”¹

More than a decade later and 200 miles to the southwest on the Kansas plains, Mary Hayden began her career as a homesteader when she registered her claim to 160 acres of land in Graham County. Hayden, a mulatto woman, came to Kansas from Kentucky and worked as a housekeeper for forty-five-year-old John Lored (Fig. 1), a mulatto man also from Kentucky, with five young children. On April 3, 1885, Hayden made the final proof on her claim and became the legal owner of the land on which she lived. She was forty-three years old. In the same newspaper advertising Hayden’s homestead entry, the notice of Lored’s homestead claim also appeared. Together, the two proved up on 320 acres of adjoining land. Their shared origins in Kentucky, common racial background, and simultaneous filing of homestead claims all suggest that the two likely

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FIG. 1. Kansas homesteader John Lored. Photo courtesy of the Kansas State Historical Society.

were acquainted before their arrival in Kansas. It is unlikely that Smith would have categorized Hayden as an ideal homesteader. She was black, middle-aged, and unlikely to have children, all factors that meant she, unlike Schleiss, was not envisioned as the proper type of woman to build the American empire in the Great Plains.

Settlement of the Great Plains was a pivotal part of American expansion into the West, and female homesteaders, both black and white, populated the region in significant numbers. Both Schleiss and Hayden became landowners under the provisions of the 1862 Homestead Act. This legislation, extended to women, expanded property rights in exchange for the roles that women would play in establishing imperial control over America's western lands. Women utilized these property rights to both engage in the process of empire building and to challenge the imperial order, primarily as it related to the reconstruction of the American gender order.

For white women, this meant new rights as property owners, granted with the implied responsibility of creating and modeling proper gender behaviors, from marriage to childrearing and domesticity. African American women, as the most invisible female population in the imperial

project, slipped through the tangled discussions about women and property. Their race prohibited black women from being considered appropriate models of civilized behavior and proper gender relations; therefore, there was no consideration of their potential as property owners.

Women played a significant role in establishing the American empire through their contributions as settlers and farmers. For many women this work occurred as part of a family enterprise, but others settled the land through claims as single homesteaders. Women's significance in the settling of the Plains has received increasing attention from scholars in the last three decades. As women's historians turned their attention to the West, they began to explore the roles that women played in westward expansion and the settlement of the land. Among the first studies of women homesteaders was Cheryl Patterson-Black's analysis of women in the Great Plains. Her sample, pulled from land offices in Colorado and Wyoming, revealed that women were as much as 10 percent of the homesteading population, and that their rates of "proving up," that is, receiving final title to their land, matched and even exceeded men's rates. Patterson-Black not only showed the extent of female homesteading but also pointed to the significant economic contributions made by women homesteaders—both single and married.²

Other works on female homesteaders quickly followed, including Katherine Harris's study of Colorado, which echoed Patterson-Black's findings regarding rates of homesteading and proving up among women, and Jill Thorley Warnick's study of Utah women homesteaders.³ One key study of women homesteaders focused on ethnicity and its impact on rates of landownership. Elaine Lindgren, in examining women homesteaders, found that rates of female homesteading increased in the late nineteenth century, and that Anglo women were more likely to claim land than were women from other ethnic backgrounds. Lindgren also noted that groups with liberal attitudes toward women's rights, specifically female suffrage, did not have higher rates of female landownership.⁴

Beyond considerations of homesteading,

scholars have more broadly examined women's experiences in the Great Plains and Kansas in particular. Julie Roy Jeffrey's *Frontier Women* and Joanna Stratton's *Pioneer Women* stand as some of the earliest examples of this scholarship.⁵ In recent years, scholars have more closely examined women's relationship with the environment of the Great Plains, exploring how working the land intersected with social ideas about gender roles.⁶ Yet scholars have not considered the complex relationship between the women who settled the Great Plains, the expectations of the lawmakers who helped make that possible, and the demands that the creation of an American empire placed on these women's behavior. Intimately tied to these issues is the factor of race, an inescapable part of any study about westward migration and settlement in the Plains. Sarah Carter's work on the homesteads-for-women movement in Canada is the beginning of such studies for the Northern Plains.⁷ In examining the experiences of black and white women in Kansas, this article centralizes the female homesteading experience in the Great Plains as a critical part of American imperial expansion with all its complex debates about gender and race.

This study proceeds from the basic premise that the establishment of American dominance in the trans-Mississippi West was an exercise in imperialism that can best be understood as an enterprise of settler colonialism.⁸ Central to the success of a settler colony was the need to reproduce, not just biologically by birthing a new generation of white children to populate the colony, but also to recreate the behaviors and institutions that clearly demarcated white "civilization" from indigenous traditions. At the core of such a process was the gender order—the social construction of what it means to be male or female, and the definition of how men and women should behave and interact with one another.

A WOMAN'S PLACE

The process of establishing American gender practices as settlers populated the Great Plains elevated the importance of women's vital, but submissive, roles as wives and mothers and the

institution of marriage. Women would literally reproduce American society through their biological role as mothers and figuratively through the establishment of families, churches, schools, social organizations, and expectations for proper behavior. Lawmakers characterized women as both vulnerable to the "savage" setting and its Native inhabitants, and as possessors of the stalwart strength necessary to thrive on the frontier and carry out the process of establishing "civilization."

Despite the importance of women to the imperial enterprise, they were never intended as the primary beneficiaries in any free-land measures introduced in Congress from the 1840s on, yet they were inevitably a part of the discussions. Debates over the multiplicity of homestead bills often considered female rights, parading white women as wives, mothers, potential wives, and former wives through the speeches about free land and western expansion. The dictates of settler colonialism deemed only white women as fit to fulfill the role of civilizer by virtue of their position within the gender order. Women of color could not be part of the civilizing process—African American women because of their race and Native American women because they were the ones in need of becoming civilized.

The debates about white women reveal a paradox about women's roles that confronted the men of Congress. White women were a necessary component of empire building; they carried with them the physical and metaphorical building blocks of the American family and, thus, American civilization. As mothers, white women would produce the next generation of male leadership and the wives who would create for those men havens of peace from the fractious world of business and politics. This ideology of separate spheres of influence for men and women clearly shaped the ways in which Congress viewed women's role as civilizers in the process of western expansion.

At the same time, however, the mythology of the West depicted new opportunities and roles for women, even as they were sent west to fulfill traditional gender roles. So, while Congress needed white women to be models of true womanhood, it also needed them to be strong and capable, unafraid to face the dangers of frontier

living, the uncertainty of an undeveloped land, and the challenges of building the structures of a civilized society. For example, one congressman urged his colleagues to include “the weeping widow” as a beneficiary, and painted for them this picture of her as a homesteader:

Oh, I can see her now in my imagination, wending her way to the far West, with her little helpless sons and daughters, and settling down upon her home at the West; and I see her rearing up a log cabin to shelter them from the pitiless storm, and digging up a few hills of corn, from which she can derive sustenance for her orphan children.⁹

Here the widow is both frail and strong enough to engage in the tasks of settling the land and providing for her family, taking on the role of both male head of household and mother.

In the need to place women as settlers on the Great Plains to fulfill this double-edged duty of true woman and frontier helpmeet, Congress included women’s property rights as a part of the package. This is not to say that the men of Congress intentionally held out the promise of landownership to women in an effort to induce them to move west, but rather that in the grand scheme to populate the West with the right kind of Americans, women’s property rights almost incidentally emerged as one means of attracting women to settle there.

MARRIED, SINGLE, OR OTHER

Congressional discussions about women as homestead beneficiaries always considered their marital status as the proper means of determining their eligibility. Again, this points to the underlying assumptions of settler colonialism and the process of western expansion; women, while necessary to the enterprise, must carry out their imperial duties within the constraints of the gender order. Married women, then, almost never appear in these debates, because they presented no challenge to the gender status quo. Under the common law notion of coverture, married women’s legal identity was subsumed under their husband’s, creating what one historian called “the

legal fiction of marital unity.”¹⁰ Coverture gave control of all women’s property, both personal and real, to the husband, and did not recognize married women’s rights to any wages they earned. As part of a male-headed household, then, married women could be involved in the homesteading process by carrying out the duties required of them as wives and mothers. While considered to be single women, widows’ rights were not debated because they had already demonstrated their commitment to the gender order by having married at all, thus there was nothing about their behavior to suggest that widowed women posed a threat to proper female behavior. Additionally, widows, if they had children (which was often the case), were considered heads of household, so, while no longer subject to coverture, their position of responsibility for minor children in the absence of a father in some ways rendered them male. It was unmarried women who presented the greatest challenge to the male lawmakers who crafted free-land legislation.

In 1851 Andrew Johnson introduced a free-land bill into the House of Representatives that provided only for heads of household (both male and female) to be recipients of land grants.¹¹ The exclusion of single men from the proposal prompted significant debate. Alabama’s William Smith argued that single men should be included because they would populate the West by eventually marrying; such unions would produce “young soldiers.” Smith concluded that with such a provision, “this bill will promote early marriages,” making it favorable legislation.¹² Smith, like most of his peers, envisioned western settlement as a family enterprise, though he was willing to allow young men time to build their families after their arrival in the West.

Virginia’s Fayette McMullin supported Smith’s contention. He argued that the inclusion of single men would encourage them to fly “to the fertile regions of the West, with her who is dear to his heart.”¹³ McMullin’s reference to fertility was probably quite intentional, as he enhanced this argument by citing the production of homes filled with children whose inheritance would be the land. Smith and other legislators believed that access to landownership would make

it possible for young people to marry by providing them with a place to live and a source of sustenance and income.

Joseph Cable, a representative from Ohio, speaking on behalf of the bill, suggested that it would benefit “young men and maidens.” Orin Fowler interrupted Cable’s speech to ask if he intended to “propose a clause, providing for all the old maids in the country?” Cable responded that were he a bachelor, he would certainly include such a provision, then went on to explain himself: “I had reference to maidens now, but who shall become wedded hereafter, for they could not conveniently till the soil.”¹⁴ While Fowler’s remarks were likely prompted because he opposed the measure in general, Cable’s response is instructive. Most of those in Congress agreed with his assumptions that single women alone would be unable to work the land, and that despite this, allowing single women to claim homesteads would at least provide for a future population. This exchange illustrates the tension about women’s roles in western expansion that carried throughout the debates.

Congressional considerations of proposed free-land bills continued in this vein. Debate over the 1860 measure included an argument against single female homesteaders because such a provision would, according to Indiana’s Graham Fitch, create unfair advantages when marriages were contracted between landowners who had each claimed a quarter section while single. Senator Robert Johnson of Arkansas furthered Fitch’s objection, declaring,

Young women over the age of twenty-one, are to be brought in the wilderness, make a settlement, build a house, and live in it by themselves, and unmarried. Why, sir, I hope the Senator does not wish to encourage that state of things, even if there are those who would accept it. But few would accept it.

The greater danger to this measure, Johnson believed, was the likelihood that young women would be deceived by men who would use them to fraudulently obtain land.¹⁵ Even while these men recognized that the full development of an American empire required the presence of wom-

en to build the structures of civilization, they remained resistant to creating circumstances that placed women at the center of the empire-building process, unless they were properly situated as dependents (wife or daughter) in a family with a male leader.

Single women presented the greatest challenge for lawmakers in drafting homesteading legislation that both encouraged the American empire through liberal land policies and ensured the maintenance of the gender order. For the men of Congress, this meant that single women should marry and have children. Dawson at one point proposed that land grants be given to anyone willing to settle in the West and, more importantly, that they “increase population by reproduction [by] giv[ing] to every girl over the age of eighteen or twenty-one, one hundred and sixty acres of land.” When asked how this would increase the population, Dawson answered, “By inducing some to unite with her.”¹⁶ Under Dawson’s plan the homestead grant would serve as a dowry for single women, thus helping to ensure the populating of the West with American citizens by making it possible for women to marry and for their husbands to afford children.

In its final form the 1860 homestead measure granted any citizen who was the head of a family the right to a quarter section of the public domain, excluding both single women and men. President Buchanan’s veto of the bill ended free-land measures until passage of the 1862 Homestead Act, which in its final version proved to be much more liberal than any previous versions of the bill. Its benefits extended to anyone who was the head of a family or over the age of twenty-one, regardless of sex, and any citizen or person who had declared intent to become a citizen. The maturation of the bill stemmed from nearly two decades of debate over the character of the American empire in the West and the role that women were to have in its creation and maintenance.

AN IDEAL HOMESTEADER

Understanding this background of the legislation, which eventually resulted in the inclusion of single women as homestead beneficiaries, further

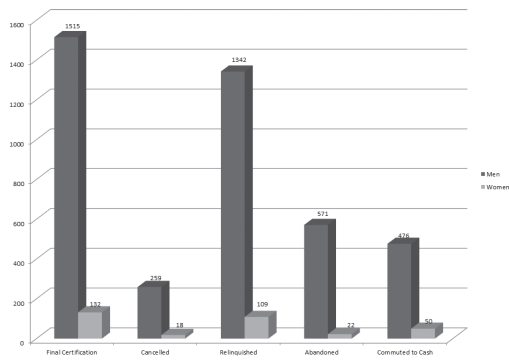


FIG. 2. Homestead claims filed in Graham County, Kansas.

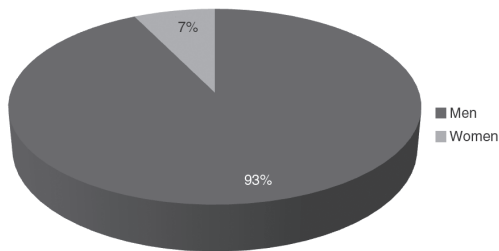


FIG. 3. Homestead claims filed by gender of claimants in Graham County, Kansas.

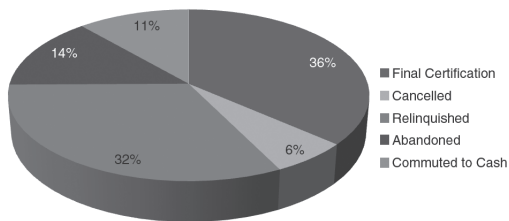


FIG. 4. Final outcomes for male homestead claimants in Graham County, Kansas.

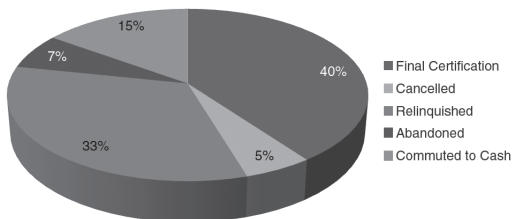


FIG. 5. Final outcomes for female homestead claimants in Graham County, Kansas.

clarifies why Schleiss was seen as an ideal homesteader but Hayden was not. Schleiss, a young, single, white woman, was of a perfect age to marry and have children. Hayden, in her midforties and black, was not capable of fulfilling Congress's vision of single female homesteaders marrying and reproducing an American population. Schleiss and Hayden were not alone in meeting and confounding congressional expectations. An analysis of women homesteaders in Graham County, Kansas, provides a better understanding of how female landownership was both an avenue and obstacle to American imperial expectations for women in the West.

Located in the north-central part of the state, Graham County, Kansas, is home to Nicodemus, the well-known African American community. It thus was more likely to include significant numbers of both black and white female homesteaders. Black settlers first arrived at the Nicodemus town site in July 1877. The group of thirty colonists arrived there as part of the efforts of the Nicodemus Town Company. Other groups followed, so that by 1878 there were nearly 600 black settlers at Nicodemus. The black migrants did not settle in Graham County without facing racial prejudice. The rapid growth of Nicodemus alarmed white Kansans in Graham County, who attempted to delay official organization of the county until the population reached a minimum of 1,500 white settlers (the state law required a population of 1,500 but did not specify that they be white). Nicodemus and its settlers enjoyed their greatest prosperity in the 1880s, until declining agricultural prices at the end of the decade forced many settlers to abandon their farms and find wage labor in nearby towns. This is reflected in the homesteading records that form the basis of this study. Most of those who filed claims in Graham County did so in the early 1880s and, if they succeeded, made final proof later in the decade. There were very few claims initiated after 1890.

In Graham County a total of 5,026 land claims were filed, 4,494 of which have a known final outcome. Of those 4,494 claims, 4,162 were filed by men and 332 by women (Fig. 2).¹⁷ Men represented the majority of the claimants, filing 93 percent of the claims, while women made up only 7 percent of claims filed (Fig. 3). When

comparing the results of homestead claims filed by men and women in the county, the numbers do not show significant differences overall, but do make for interesting comparisons (Figs. 4 and 5). Of the claims with known outcomes, 36 percent of men and 40 percent of women made final proof on their claims (Fig. 6). Clearly, though, not everyone who filed a land claim became the owner of that property. Some claims were cancelled for various reasons, often due to rulings of ineligibility made by the General Land Office. For this sample, a total of 6 percent of the claims were cancelled. Men and women lost claims to cancellation at nearly equal rates of 6 percent and 5 percent, respectively (Fig. 7). Gender also does not appear to be a factor in the rate at which claims were formally relinquished by the claimant. For women, 33 percent were subject to this, with men at a slightly lower rate of 32 percent (Fig. 8). There was, however, a notable difference in rates of abandoning claims, where the claimant failed to officially relinquish their hold on the land. Roughly 14 percent of male claimants abandoned the land while only 7 percent of female claimants did so (Fig. 9).

What these data reveal is that, in terms of success rates, gender did impact a claimant's likelihood of becoming a landowner. Women were more likely than men to receive the final certification to their claim, and more likely to commute a claim to cash entry, meaning that in general, women were more likely to become landowners. In Graham County, 55 percent of claims filed by women resulted in landownership, compared to only 48 percent for men (Fig. 10). The critical difference is women's increased likelihood to commute their claims to cash, with 15 percent of the female sample choosing this path to landownership while only 11 percent of male claimants did so (Fig. 11). There is no obvious explanation for this particular trend, though it is possible that women may have been more able to save wages from working as domestic servants or taking work in at home, which allowed them to purchase their land.

THE MCFARLAND FAMILY

It is clear, however, that for both men and women, access to help in the form of family and com-

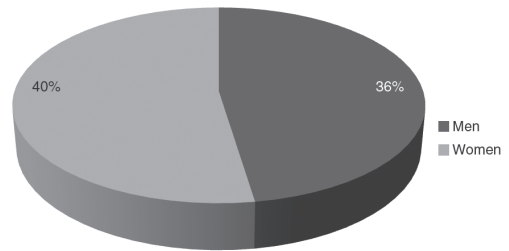


FIG. 6. Final certification of homestead claims by gender in Graham County, Kansas.

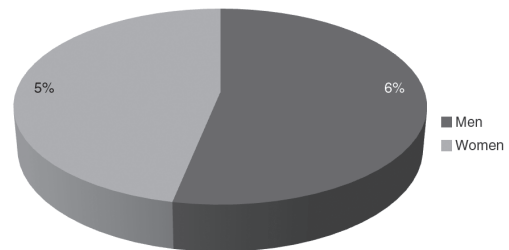


FIG. 7. Cancelled homestead claims by gender in Graham County, Kansas.

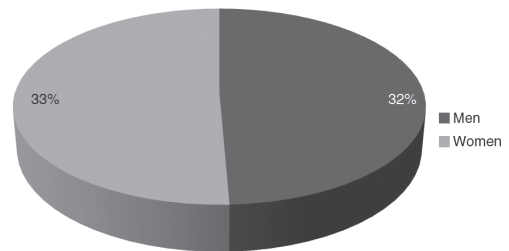


FIG. 8. Relinquished homestead claims by gender in Graham County, Kansas.

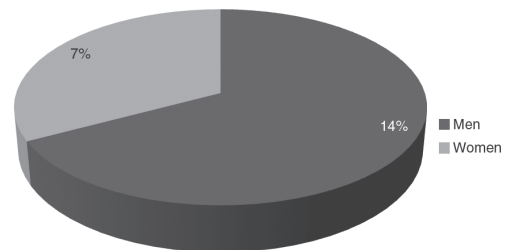


FIG. 9. Abandoned homestead claims by gender in Graham County, Kansas.

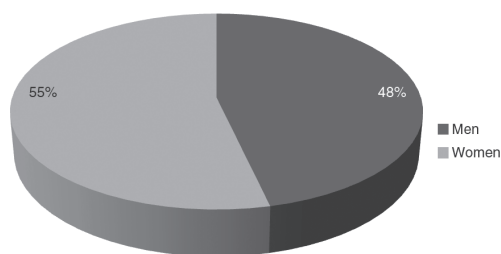


FIG. 10. Homestead claims resulting in landownership by gender in Graham County, Kansas.

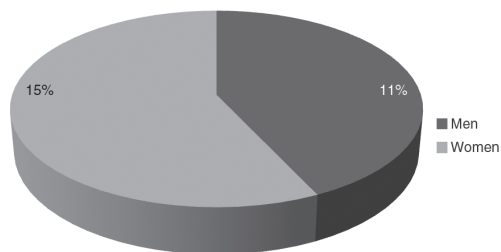


FIG. 11. Homestead claims commuted to cash entry by gender in Graham County, Kansas.

munity networks increased their likelihood of success, as is demonstrated in the story of the McFarland family (Fig. 12). Sisters Nina and Margaret McFarland and two of their brothers all entered homestead claims in Sections 3 and 4 of Township 7 South, Range 21 West. All successfully proved up on their claims, and their combined landholdings gave them control of a full section of land. The McFarlands demonstrate what was a common homesteading strategy among families: entering adjacent claims for each eligible adult in the family, allowing them to work cooperatively to make the land productive. The McFarlands remained in Graham County after they settled there. Both Nina and Margaret still owned their original claims in 1906, and by then Nina had expanded her holdings to include additional acreage.

In this way, Nina and Margaret did what the authors of homestead legislation had expected; they helped to establish family holdings and make the land productive. Their work and success as landowners clearly placed them at the center of

8S 21W 30 John Mullaney Timber Culture	8S 21W 30 Arvilla Coville Mullaney Timber Culture	Final Proof made on Claim
8S 21W 30 Arvilla Coville Homestead		
		Claim Cancelled
8S 21W 31 John Coville Homestead & John Mullaney Pre-emption		
9S 21W 6 Mary Jane Mullaney Homestead		

FIG. 12. Free-land claims by the Coville and Mullaney families in Graham County, Kansas.

the imperial process. They did not, however, follow through with the expectations their gender created for their role in empire building. Neither sister married, thereby failing to aid in the reproduction of an American population in the West.

While the McFarlands fulfilled only half of their imperial obligations, other white women fully met congressional expectations by marrying after successfully establishing homestead claims, as in the case of Arvilla Coville, who received the patent to her land in 1894. Single when she first entered her claim, by the time she made proof had married and signed her documents as Arvilla Mullaney (Fig. 13). Arvilla Coville's timber culture claim occupied the northwest corner of Section 30 in the township; her future husband, John Mullaney, had filed a preemption claim in a neighboring section. It is possible that the two met through Arvilla's father, John Coville, who in October 1885 filed a homestead claim on the northwest quarter of Section 31; the following April, Mullaney filed a preemption claim on the same section. Neither man made final proof on the claim, with Coville's being cancelled by the General Land Office in 1890 and Mullaney's claim to the land cancelled in 1896. Mary Jane

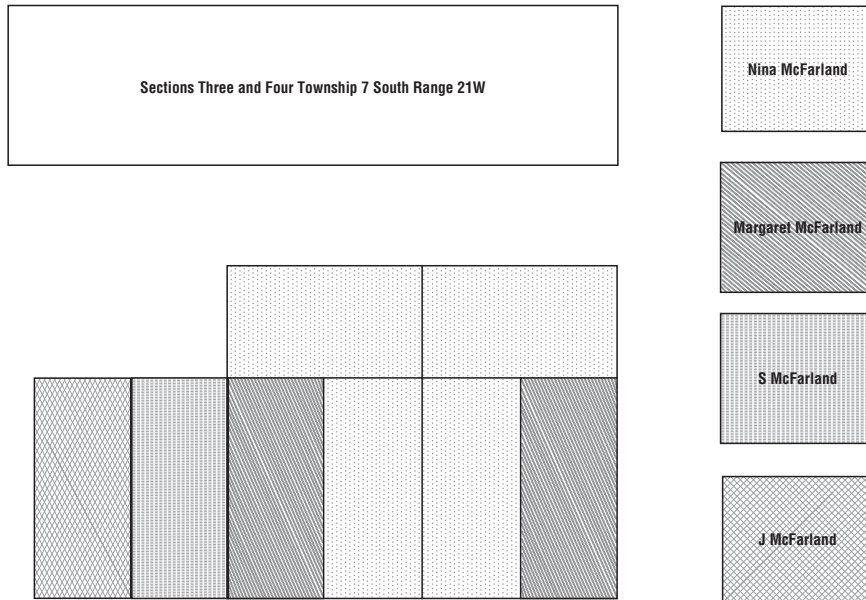


FIG. 13. Homestead claims by the McFarland family in Graham County, Kansas.

Mullaney, John's sister, also entered a claim on adjacent acreage in Section 31 of Township 8 South, Range 21 West, giving the Mullaney family expanded holdings and the two families together the potential to control a full section of land, made possible by the ability of single women to be homesteaders. Arvilla was not alone in the Graham County sample in following this pattern. Of the 316 women who filed claims, at least thirteen others signed their final certification papers as married women.

AFRICAN AMERICAN WOMEN

In exploring how women used homesteading to acquire land and at least potentially challenge gender expectations for women in the West, the story of African American homesteaders is important because these women defied both gender and racial expectations.

What role African American women might play in homesteading received no attention in debates over free-land legislation. However, in the wake of significant black migration to Kansas in the 1870s and 1880s, white men and women

articulated their assumptions about the proper place for African Americans in the imperial order. They envisioned the former slaves not as fellow landowners and (re)creators of proper American society, but as laborers who must be trained and scattered throughout the state. African American women challenged these restrictions, and while many did work as laborers, they also successfully asserted their rights to become landowners under the provisions of the Homestead Act.

By the 1870s African Americans began a concentrated effort to establish themselves as landowners in the West. In Washington, DC, the Western Emigration Society, a group of "colored citizens," appealed to Congress for help establishing homes in the West. The society submitted a memorial in 1878 that requested funds to "enable the helpless poor of our race in this section to locate as farmers (under the homestead laws) in one of the great, fertile, and comparatively unoccupied territories of the West."¹⁸

African Americans settled all across the Great Plains. Colonies of black settlers appeared in Nebraska, Kansas, Oklahoma, Colorado, and California.¹⁹ The most successful and well-known col-

onies were planted in Kansas and Oklahoma. In the mid-1870s Kansas became the desired destination for many black settlers from border states, especially Kentucky, Tennessee, and Missouri, with African Americans from states in the Deep South following at the end of the decade.²⁰ Over the course of the 1870s more than 13,000 blacks settled in Kansas, some 4,000 former slaves from Louisiana and Mississippi arriving in 1879 alone.

The reports that filtered back to the South about the Promised Land of Kansas were not always true, but blacks still chose to undertake the journey. Many believed that conditions in Kansas could not be worse than those they left behind, and this belief, coupled with the hope for landownership, propelled blacks to Kansas. One poem, "The Black Man's Hope," described the goals of black migrants: "Homes! Homes! we want for our down-trodden race / Homes! Homes and farms, by God's favor and grace./ For those we'll hope and labor with zeal's holy fire. / For them we'll work day by day and never tire."²¹

The widespread migrations of the 1870s brought large numbers of blacks into the state, and they did not always arrive with adequate preparation. In response, several organizations worked to aid the migrants. In Kansas, Governor John P. St. John led the establishment of the Kansas Freedmen's Relief Association (KFRA), which operated from April 1879 to May 1881. Much of the real work of the organization came under the leadership of two Quaker women, Elizabeth Comstock and Laura Haviland.²² The KFRA declared as its purpose providing relief to the "destitute, freedmen, refugees and immigrants coming into this State," including "necessary food, shelter and clothing," and to "aid them in procuring work, and in finding homes, either in families, or, when they wish, to locate on Government or other lands."²³ The qualifying phrase "when they wish" is telling, for the KFRA did not actively encourage black migrants to become homesteaders, despite their recognition that it was landownership that spurred many migrants. The KFRA and its leadership did not envision blacks as landowners, and when they did recognize that many African Americans sought to own their own farms, they did not conceive of them as homesteaders

with the rights to 160 acres, but only as the farmers of very small acreages.

The gender order was also a part of the KFRA vision for the migrants. The association's secretary, Laura Haviland, reported proudly that Mrs. J. M. Watson, the assistant secretary's wife, had "in her relation as housekeeper . . . impart[ed] most valuable instruction to a number of the female portion of the refugees, and prepar[ed] them to fill desirable [sic] positions in the department of cooking and general housework."²⁴ The KFRA was not alone in its assumption that black migrants provided a ready pool of laborers, particularly women who could work as domestic servants. The association and the Kansas governor's office received numerous letters indicating a willingness to hire the migrants. One man wrote that he was seeking "colored help, good house women." He could take two, he declared, aged twenty-five to thirty-five and without families, but he wanted only "those from the South who have been house servants."²⁵ The letter invokes images of the slave markets, with potential purchasers laying out their demands. Though the author was requesting domestic servants who would be paid for their labor, the tone of the missive suggests that the prejudices about black laborers stemming from slavery followed the freedmen and -women into Kansas. Elizabeth Comstock noted at one point that "upwards of one thousand letters have been received by us . . . inquiring for women, skilled in the different departments of housework, and out of the sixty thousand Refugees in the State of Kansas, we find very few who are competent to do the work required."²⁶

Comstock and the various relief associations clung to their vision of an empire built by white Americans who were best suited to participate in a republican government, but the persistence of African Americans in engaging in empire-building challenged their assumption that the only place for blacks within the empire was as laborers. Comstock and her peers did not consider African Americans' desire to be landowners, nor the gender relations that marked black families when establishing their relief efforts. The experience of slavery created a specific gender order that did not mirror white behaviors. The demise of slav-

ery resulted in black men and women together making choices about labor, both in and out of the home. For most families, this included the continued work of women at agricultural tasks as needed. This labor occurred, according to Jacqueline Jones, in harmony with the family's needs and priorities. While women's work within the black gender order was equally valued to that of men, the public face of the black family existed in the husband's presence, a decision that Jones describes as a "cultural preference."²⁷ For the black migrants who settled in Kansas, then, the goal was for women to first be able to provide for their own families, but there was no stigma attached to women engaging in wage labor as domestic servants or field workers.

African Americans, it must be noted, did not eschew wage labor in Kansas. Pap Singleton's pamphlet "Ho for Kansas!" described his Real Estate and Homestead Association as having been established "for the benefit of the colored laboring classes, both men and women," with the express purpose of "purchas[ing] them large tracts of land, peaceful homes and firesides, undisturbed by anyone."²⁸ In fact, it is quite likely that African American women's willingness to work as wage laborers while homesteading allowed them to commute their land entries to cash.

Black women did attempt to take advantage of their citizenship and homesteading legislation by filing homestead claims. In Graham County, of the women whose race can be clearly identified through census records (a total of sixty-five of the 316 female claimants), twelve were African American. Ten of those women successfully became landowners, eight by making final proof and two by commuting their entries to cash purchases, giving them a success rate of 83 percent (Fig. 14).

Among these success stories is Mary Hayden. Hayden, though, like the McFarland sisters, defied the expectations of proper female behavior in her failure to marry, though even that act would not have legitimated her as a builder of empire in the minds of white Kansans or the men of Congress. Hayden left only the briefest of historical records through her homestead claim, never appearing as a head of household in her own right in Kansas or federal censuses. Her neighbor, John

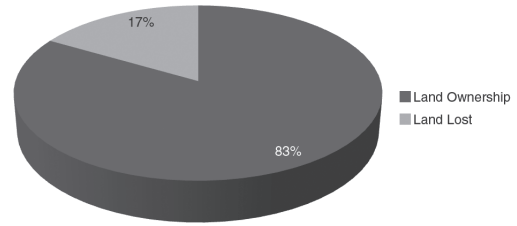


FIG. 14. African American female homestead claims resulting in landownership in Graham County, Kansas.

Lored, went on to become a significant landowner in Graham County and in 1886 remarried. He and his wife Lizzie had six children.²⁹

CONCLUSION

Annie Kenyon also successfully challenged the assumption that black women should not become landowners. Kenyon, a native of Rhode Island, staked her Graham County claim and made final proof with the help of two young women, her daughter, Margaret, and another young woman unrelated to the family, Lulu Mitchel. Kenyon, like most homesteaders regardless of race, found success because she did not undertake the venture alone. Kenyon, like Arvilla Coville, also met her womanly duties by later marrying, signing for her final certification as Annie Cook. Like Kenyon, Jennie Sykes, a black woman from Mississippi, made final proof on her claim with help, in her case another black adult woman, T. Druning, who was a part of her household. Of the twelve women in the sample, seven homesteaded with adult children or nonrelated adults living in their households. The remaining five were single women, two of whom were older widows, one a single mother and two never married. Sarah Crittenden and Betey Williams were in their sixties when they made final proof, and Maria Scruggs and Jennie Barber were young women in their twenties when they became landowners.

Mary Hayden challenged the Homestead Act as a basis for building the white American empire in the Great Plains. As a woman she did not fit the favored mold for landowners, though that handicap may have been overlooked as it was for

Ann Schleiss. Hayden, though, as a mulatto, did not bear the proper complexion for a civilizing woman. In many ways, though, Hayden was typical for black and white women homesteading in Graham County, women like Nina and Margaret McFarland, Annie Kenyon, and Effie Scruggs. They eagerly participated in establishing American claims to the land by becoming homesteaders. Some furthered their contributions to the empire by marrying and having children. They worked as wage laborers when necessary and participated in their communities. Other women, though, by failing to marry and have children, chose to challenge, at least in part, the expectation that they would be reproducers of the American gender order. Whatever their actions, the black and white women who homesteaded in Graham County insisted on carving for themselves a space in the imperial order that had never truly envisioned female landownership as a crucial building block of empire.

NOTES

1. "Waldo v. Schleiss," in *Public Land Laws, passed by Congress from March 4, 1869, to March 3, 1875*, ed. Henry N. Copp (Washington, DC: The Compiler, 1875), 235.
2. Sheryll Patterson-Black, "Women Homesteaders on the Great Plains Frontier," *Frontiers: A Journal of Women Studies* 12 (1001): 68, 79.
3. Katherine Harris, "Homesteading in Northeastern Colorado," in *The Women's West*, ed. Susan Armitage and Betsey Jameson (Norman: University of Oklahoma Press, 1987), 165; Jill Thorley Warwick, "Women Homesteaders in Utah, 1869-1934" (MA thesis, Brigham Young University, 1985). See also Katherine Harris, *Long Vistas: Women and Families on Colorado Homesteads* (Boulder: University of Colorado Press, 1993).
4. Elaine Lindgren, "Ethnic Women Homesteading on the Plains of North Dakota," *Great Plains Quarterly* 9 (Summer 1989): 160-62, 171-72.
5. Joanna L. Stratton, *Pioneer Women: Voices from the Kansas Frontier* (New York: Simon and Schuster, 1981); Julie Roy Jeffrey, *Frontier Women: The Trans-Mississippi West, 1840-1880* (New York: Hill and Wang, 1979). See also Glenda Riley, "Women's Responses to the Challenges of Plains Living," *Great Plains Quarterly* 9 (Summer 1989): 174-84, and *The Female Frontier: A Comparative View of Women on the Prairie and Plains* (Lawrence: University Press of Kansas, 1988).
6. Chad Montrie, "'Men Alone Cannot Settle a Country': Domesticating Nature in the Kansas-Nebraska Grasslands," *Great Plains Quarterly* 25 (Fall 2005): 245-58; and Andrea G. Radke, "Refining Rural Spaces: Women and Vernacular Gentility in the Great Plains, 1880-1920," *Great Plains Quarterly* 24 (Fall 2004): 227-48.
7. Sarah Carter, "'Daughters of British Blood' or 'Hordes of Men of Alien Race': The Homesteads-for-Women Campaign in Western Canada," *Great Plains Quarterly* 29 (Fall 2009): 267-86.
8. Patricia Nelson Limerick argues for such a conceptualization, noting that "the exact definition of the word 'imperialism' will never be a subject of general agreement. But, even allowing for a certain changeability of meaning, the practices of westward-moving white Americans certainly seems to qualify for the category." She goes on to establish the criteria for such a definition: "The intrusion of outsiders into the territory of indigenous people; the exercise of various kinds of power, including military force, to subordinate the indigenous people; the transfer of ownership of land and natural resources from the original residents to the invaders; the creation of political, social, and cultural structures (tribal governments, boarding schools, syncretized religions) to contain the new set of human relations brought into being by imperialism; the romanticizing and mythologizing of both the pioneers who drove this whole process and the safely defeated natives." Patricia Nelson Limerick, "Empire and Amnesia," *Historian* 66 (Fall 2004): 533.
- Patrick Wolfe notes that settler colonies were built through an imperial process, but unlike extractive colonies where the focus was obtaining resources through the enforced labor of natives or imported enslaved workers, the invading forces arrived with the intent of staying put and reproducing the society from which they originated. This process was, he argues, a "structure not an event," where "elimination is an organizing principle." The United States is both the result of a settler colonial enterprise begun by the British in the seventeenth century and an imperial power itself, which established its own settler colonies that were integrated into the nation. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8 (December 2006): 388.
9. *Appendix to the Congressional Globe*, 32nd Congress, 1st session (April 29, 1852): 520.
10. Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth Century New York* (Ithaca, NY: Cornell University Press, 1982), 15.

11. Johnson's narrowly drawn legislation prompted John Allison (Pennsylvania) to propose an amendment that removed the requirement of being a head of household. Allison argued that men who did not have families were entitled to the land just as much as any father. He went on to express his hope that those members of the House who were not heads of household would further amend the bill so that land would also be "given to persons of the opposite sex." The Congressional reporter noted the laughter that followed Allison's declaration. The repeated laughter during these discussions suggests not only the prevailing beliefs about women's proper roles as wives and mothers, but also a certain level of discomfort at discussing so freely the inclusion of women as homestead beneficiaries. *Congressional Globe*, 32nd Congress, 1st session (May 6, 1852): 1280.

12. "Speech of Hon. W.R. Smith," *Appendix to the Congressional Globe*, 32nd Congress, 1st session (April 27, 1852): 514.

13. "Speech of Mr. McMullin," *Appendix to the Congressional Globe*, 32nd Congress, 1st session (April 29, 1852): 520.

14. "Speech of Hon. Joseph Cable," *Appendix to the Congressional Globe*, 32nd Congress, 1st session (March 10, 1852): 298.

15. *Congressional Globe*, 36th Congress, 1st session (May 9, 1860): 1993.

16. *Congressional Globe*, 36th Congress, 1st session (July 10, 1854): 1669.

17. The data for Graham County homesteading is from the Kansas Tract Books, vols. 70–74, National Archives and Records Administration (hereafter NARA), and from the individual homestead claimants' land entry files, RG49, NARA.

18. *Memorial of the Western Emigration Society*, April

29, 1878, Papers of the Committee on Washington, DC, NARA, 1.

19. For more on African American migrations to the West in the late nineteenth century, see Quintard Taylor, *In Search of the Racial Frontier: African Americans in the West, 1528–1990* (New York: W. W. Norton, 1998), and William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861–1915* (Baton Rouge: Louisiana State University Press, 1991).

20. Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: W. W. Norton, 1986), 149–50.

21. "The Black Man's Hope," Negro Exodus Papers Collection, 1879–1881, MS 79, Kansas State Historical Society, Topeka (hereafter NEPC).

22. Painter, *Exodusters*, 231.

23. Kansas Freedmen's Relief Association (KFRA), "Articles of Incorporation," *Second Semi-Annual Report of the Kansas Freedmen's Relief Association*, 1880, NEPC.

24. Secretary's Report, Second Annual Report of the Kansas Freedmen's Relief Association (1880), NEPC.

25. C. E. Jenkins to J. P. St. John, May 5, 1879, NEPC.

26. Comstock, "Announcement of the Agricultural and Industrial Institute for Refugees," NEPC.

27. Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work and the Family from Slavery to the Present* (New York: Basic Books, 1985), 62.

28. "Ho for Kansas!," Singleton Scrapbook, Kansas State Historical Society, Topeka.

29. U.S. Bureau of the Census, *Twelfth Census of the United States, 1900* (Washington, DC: National Archives and Records Administration, 1900), <http://search.ancestry.com/cgi-bin/sse.dll?ti=0&indiv=try&db=1900usfedcen&h=16731256> (accessed March 27, 2012).

