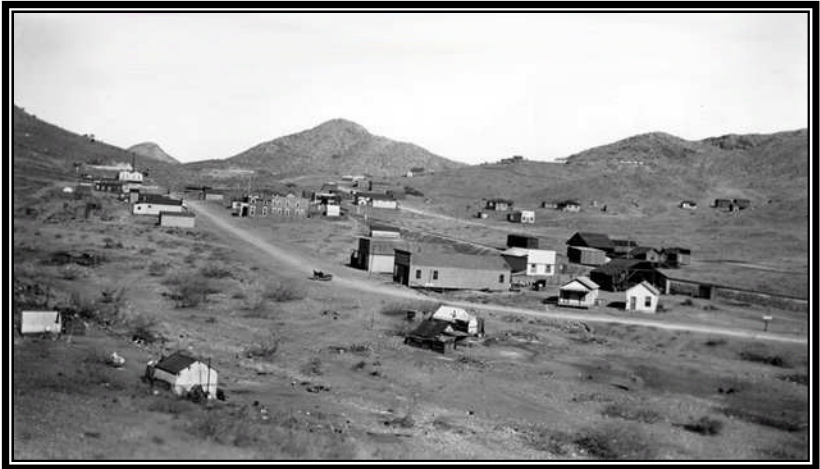


COURTLAND ARIZONA

Homesteads and Houses



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Cover photograph: Great Western Townsite, 1909. Courtland Arizona.
Courtesy of the Arizona Historical Foundation

Homesteads were a concept unheard of in human history. In the end, the Homestead Act of 1862 made aristocracy a thing of the past. It was a uniquely American inspiration, and one which has never been equalled elsewhere in the world. In the Courtland area, homesteads created a population boom which could never have happened otherwise, and became the fore-runners of modern ranches and towns.

The purpose of "homesteading" was to increase agriculture by transferring farmable land owned by the federal government to individual "family farmers." Before the civil war, the idea had been opposed by the southern states, because they thought that the increase of free farmers would undermine the slave plantation system. The withdrawal of the Confederacy from the Union removed most of the opposition to homesteading. The Homestead Act was signed into law by Abraham Lincoln on May 20, 1862.

A homestead was a 160 acre section of land, which is a half-mile on each side. Thus, a single square mile would contain 4 "quarter sections", each of which was 160 acres. The lines of these sections often determined who had access to what resources. The federal government determined that 160 acres was large enough to support a single family farm, although this was more obviously the case in the more fertile midwest and east.

Historically, the Homestead Act was a revolution in land ownership. In English common law, (from which the United States drew most of its own legal traditions), the "ownership" of land since the Middle Ages was restricted to the monarch, who theoretically owned all the land in the country. The monarch would grant an "estate" to whomever he or she wished, which conveyed ownership of that land. This estate could be handed on to their heirs after death, or could be sold. Ownership of an estate was the very basis of English aristocracy (hence, the term "landed gentry").

When the United States purchased from other countries, (i.e., France, Spain, Russia, and Mexico) territories such as the Gadsden Purchase, the federal government acquired ownership rights to that territory. Some land was sold by the government to private citizens or companies, but this was a very expensive matter. More often, companies would license only certain rights to the land, such as

surface or mining rights. The Homestead Act was passed in order to transfer full ownership of plots of federal lands to everyday ordinary private citizens for the purpose of farming. Since there was neither monarch nor aristocracy in the United States, American aristocracy (land ownership) was given based on an ethic of commitment and hard work.

According to the Homestead Act of 1862, any citizen over the age of 21 (or the head of a family) could gain a certificate of patent (a legal document giving absolute ownership of land) for a particular piece of undeveloped land



if he or she completed three steps giving evidence of commitment and hard work.

Step 1) File an application at a cost of \$10. This application needed to specify the exact location of the claim.

Step 2) Live on the land, or cultivate it ("improve it") for a period of five years.

Step 3) "Prove up" on the claim, that is, file an affidavit with the government, along with statements of two witnesses, attesting to the fact that the applicant has lived on or improved said claim for five years.

Proof of claim was published in local papers (to surface any opposing claims) and submitted to the government. If no one contested the claim, a patent (deed) to such land was granted, and the homesteader became a member of America's aristocracy...a property owner.

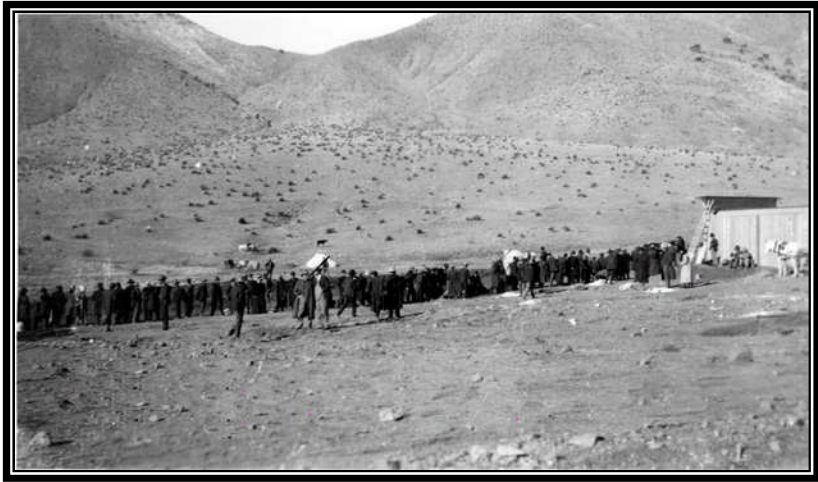
In the more arid parts of the west (such as Arizona), 160 acres didn't provide much of a living, however. In these parts,

homesteading was more often used as a lever to obtain control over an area much greater than 160 acres. Quite often, husband and wife would file adjacent claims. If they had adult children (over 21), the children would also file claims in the area, so that larger family farms could be created.

Getting adjacent land became an art form for some homesteaders. If you could get your neighbor to be absent from his land for a period of 6 months, you could contest his claim, and then snatch it up through one of your relatives. Another strategy involved carefully choosing your first claim so that it included resources necessary for survival or operation, and then denying those resources to neighbors. For instance, getting the only spring, well, or mountain pass in an area would provide leverage enough to cause neighbors to quit their claim and move elsewhere.

Once a patent had been issued, (either by purchasing the land or by homesteading it) all rights on that land belonged to the patent holder. He or she could license mineral, mining, or grazing rights to whomever they chose. They could also sub-divide their land and re-sell it in smaller chunks to others in order to build a town, for instance. The towns were for those non-agricultural types who wanted to build homes or businesses. They could buy a plot of land in a townsite immediately, instead of "proving up" for a homestead.

The Great Western Copper Company built just such a townsite with some of its land in Courtland. The Great Western owned the western half of the square mile known as Section 21 of T19S R25E. This included most of downtown Courtland. The Mary mine was located on these parcels, but the Germania, April Fool, Maid of Sunshine, and Leadville mines were just outside of the section borders. The "Great Western Courtland Townsite" was a small sub-section of that land in the southwest quadrant, along main street. Several times in the short history of Courtland, people who had built homes or businesses on Great Western land (especially near the Mary mine) were required to pick up their buildings and move them elsewhere, when the owners of the Great Western Co.



Buyers line up to purchase lots on the Great Western Townsite in Courtland. Hundreds lined up on February 24, 1909 to get choice locations for homes and businesses.

decided they wanted to drill new holes in what might have been someone's front yard or kitchen.

Some lucky landowners got rich by leasing (bonding) mining rights to big mining companies or other entrepreneurs. This was how Martin Costello (a famous Tombstone and Bisbee figure), in fact became a millionaire. He was the owner of the quadrant which included the Germania, April Fool, and Maid of Sunshine mines. Costello sold part of this property to the Calumet and Arizona Mining Company. Another part was sold to Thomas Pidwell of Pearce. Pidwell then sold the surface rights to J.N. McFate for an area straddling the main road just north of the big mines. McFate then turned around and sub-divided the area into lots and re-sold the surface rights to residents, businessmen, and investors who wanted a piece of land near the money-making mines. Surface rights included the right to build homes or businesses on that plot. This became known as the "McFate Courtland Townsite," the first of several similar townsites in Courtland.

Some unlucky homesteaders got manipulated by big business or wealthy interests, and were harassed, threatened or forced to "quit their claims". Others tried, successfully or otherwise, to bring

lawsuits against big interests in order to gain or re-gain the rights to pieces of property. There were more than a few shenanigans carried out in these little battles. Such was the case when C.C. McBride awoke on June 9, 1909 to find two men digging a hole in his back yard. A man named T.E. Wilson had hired the workers to start a mine in the back yard of McBride, who lived in the McFate townsite. Wilson claimed that the ownership of this quadrant was wide open, and so he was going to "improve" on it, and claim the land. The actual quadrant owner, Thomas Pidwell, strongly objected to that statement, and the whole mess ended up in court. A few weeks later, A.J. Johnson made the claim that both the Kline townsite and the rowdy saloon-and-prostitution district was built on property that he'd been homesteading. His claim was not upheld by the court.

Some claimants operated in semi-legal collaboration with big land speculators or banks. The homesteader would make a claim, and the bank would loan them money every year until they proved up. Upon receiving their patent (deed), they would hand it over to the bank and move on. In the intervening five years, they'd lived off of the loaned money and whatever they could eke out from the land.

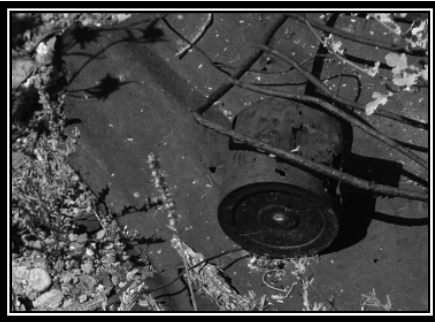
Other shenanigans came when some speculators discovered a loophole in the law... they took advantage of the fact that the "12x14 residence" that the law required on a claim never specified whether that measurement was in feet or inches, nor was the law specific about exactly who (or what!) was supposed to live in the residence! More recently, some historians maintain that the small size of homesteads encouraged poor farming practices which contributed to the dust bowl of the early 1930's.

The Homestead Act ended in 1976 (except in Alaska, where it was extended until 1986). In all, over 1.6 million homestead applications were processed and more than 270 million acres—10 percent of all U.S. lands—had passed into the hands of individuals.

The buildings themselves were often made of very flimsy materials, depending on the intended use and life expectancy of the building. Courtland's first miners lived in tents. The next step up was a wooden frame and canvas dwelling, usually laid down over a

dirt floor. Residents who expected to live there for years would often pour a cement foundation and build a rock and mortar building on top of the foundation. A very few buildings were made of concrete blocks over a cement foundation. Only the wealthy could afford such luxury and security. When Courtland faded from mining town to ghost town, such buildings were the last to remain occupied, but eventually even they came down, and the materials were used elsewhere.

Walking around Courtland, the casual observer can find numerous cement foundations, sidewalks, and rock walls. The more observant visitor can find the remnants of adobe walls which time and nature have worn down to mere stubs. Walking among the ruins can reveal a wide variety of relics from Courtland's heyday. Bed springs, tin cans, antique broken bottles, bricks, timbers, and other leftovers abound.



Sometimes the bits and pieces tell a story. The can pictured here, for instance, lies in a residential area of Courtland, and has a Norton seam and a solder hole top. Such cans were only manufactured between 1887 and 1904, before Courtland was even founded. That means this

can of food was kept on a shelf for years, and finally became a meal in lean times for someone who must have been pretty hungry.

It is easy to drive along Main Street, the Ghost Town Trail right through Courtland and see nothing of the mines, the sidewalks, the stores, and the homes. In doing so, one also misses the people, the riches, the poverty, the energy, the enthusiasm, the hopes, the despair, the stories...and the history.