



The Search for *Letitia Carson* **in Douglas County**

Part II



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*(Douglas County Family Names: Bigham; Carson; French; Lavadour/
Laverdure; McGinnis; Morrisette; Rondeau, Weaver).*

Letitia Carson and the Homestead Act, 1862-1869.

This is the next installment of articles exploring the history and genealogy of Letitia Carson, a Douglas County resident from the early 1850s until her death in 1888.

Letitia Carson and her daughter Martha were Oregon Trail Pioneers of 1845. Almost from the time of their arrival on the western side of the Rockies they came to be considered “Old Oregonians.” In his excellent book, *Nimrod* — a detailed and insightful history of the first extensively documented murder trial to take place in Oregon Territory in 1852 —author Ronald Lansing (p. 13) makes this point:

“Being called an “Old Oregonian” was a label of respect that at first attached to settlers who came in 1845 or before, when the vast Oregon Country yet remained ungoverned and open to joint occupancy by British and American citizens . . . Later on the term “Old Oregonians” was expanded to include those who came in the years prior to Oregon officially becoming a US territory (1848-1849).”

The subject of Lansing's story is Nimrod O'Kelly, a fellow Oregon Trail Pioneer of 1845, and thus Lansing makes an important point by describing what constituted being widely recognized and generally well respected by wearing the "Old Oregonian" label. Sometime after Adam "Jack" Carson's birth in September 1849 he, too, became considered an "Old Oregonian." Perhaps more significantly he was also recognized as a truly native Oregonian, and certainly the first born into either of his parent's families. Of far lesser significance is the fact that baby Adam is considered to be – and almost certainly was -- the first black child born within the future boundaries of Benton County, Oregon.

Although Letitia and her children were listed in the 1850 census of Benton County, they are nowhere to be found in the 1860 census of Douglas County – despite having probably lived in upper Cow Creek Valley since the early 1850s and along key locations of the major north-south wagon road connecting California to the Columbia River since the mid-1840s. Reasonable speculation might be that the family did not want to be listed on the federal census due to the racial exclusionary passages written into the Oregon Constitution, which had been formally adopted only the previous year when Oregon became a state on February 14, 1859.

Another Carson family member was listed on the 1860 census, however: Andrew Jackson Carson, who had lived for some time with his Uncle David, Aunt Letitia and his cousins, Martha and Adam, in their Soap Creek Valley home after first arriving in Oregon in 1851. Although Andrew had taken up his own Donation Land Claim in Lane County by 1855, the 1860 census found him among a long list of "miners" in the Cow Creek Precinct. There he was living in Dwelling No. 100 with two other miners, both 33 years old and both from Ohio: William Richard and Rufus Butler. The men's location was just a short distance from the Hardy Elliff home (Dwelling

No. 93), where Letitia and her children had been living in the early 1850s, and perhaps were living still.

Andrew was just 19 years old and had just crossed the Oregon Trail with the mysterious David “Junior” Carson in 1851, when they first moved into the Carson’s Soap Creek Valley home. Andrew was a close nephew to Uncle David Carson, but 26-year-old “Junior’s” exact relationship to “Uncle Davey” remains suspicious, in part because it can’t be readily documented. A year after the arrival of Andrew and Junior, in September 1852, David died after a brief illness. That was a terrible year for cholera on the Oregon Trail and the Carson’s lived directly at a major creek crossing of the “South Road” segment of the Trail. Usually first arrivals began arriving in the Willamette Valley in August and September and 1852 was no different. It is also possible that something more nefarious may have been involved with David’s death.

Martha was just seven years old at the time of her father’s death, and Jack – probably still called Adam – was barely two. Cousin Andrew and probably-related Junior were still only 20 and 27 years old. Letitia was somewhere in her late 30s. In 1860 Cousin Andrew was 28 years old and young Adam was only 11. Perhaps it was around this time that Adam or his mother changed his name to Andrew, too, and he started becoming known as Jack. Perhaps it was also around this time that Nigger Creek, a few miles upstream from the Elliff home and the Starvout mines, acquired its name. (Sometime during the 1950s the name was changed to “Negro Creek,” although no one currently seems to know the historical origin of either name. I would like to propose here that the name be changed to Jack Carson Creek at the earliest opportunity.)

On April 12, 1861, the American Civil War began. Oregon, as a state, was barely two years old and took the Union side of the conflict. However, other than the establishment of a

few manned forts and some heated political debates, the State was mostly relegated to a role of interested observer as the actual military battles took place thousands of miles to the east.

One year later, on May 20, 1862, the Homestead Act -- “An Act to Secure Homesteads for Actual Settlers on the Public Domain” -- was signed into law by President Abraham Lincoln. This law had first been promoted by the northern Republican Party prior to the Civil War, but had been defeated at that time by southern Democrats who favored making federal lands open to slaveowners. Now, with a Republican as President and the southern states having defected from the union, an even more liberal law became possible to enact.

The Homestead Act of 1862 stated that anyone who had never taken up arms against the U.S. government -- including freed slaves and women -- and was 21 years or older or the head of a family, could file an application to claim a federal land grant. The homestead was an area of public land in the west, usually 160 acres in size, granted to any US citizen willing to settle on and farm the land for at least five years. The law required a three-step procedure: first, file an application; second, improve the land to make it suitable for human occupation; and third, file for a certificate of title.

Letitia took the first step in this process on June 17, 1863, when she filed Homestead Application No. 103 at the US Land Office in Roseburg, Oregon. She listed herself as a “widow” and single mother of two children and, although the Act included “freed slaves,” Carson didn’t identify herself as such. For that matter, there was no way in which she had ever been legally married to David and technically wasn’t even a widow.

Letitia signed her homestead application with an “X” that was witnessed by John Kelly, Register of the Roseburg Land Office, who further certified: “the above application is for Sur-

veyed Lands of the class which the applicant is legally entitled to enter under the Homestead act of May 20, 1862, and that there is no prior, valid, adverse right to the same.” The following written statement was then read to – and perhaps even repeated by – Letitia, followed by the placement of “her mark”:

“I, Letitia Carson of Douglas County Oregon having filed my application No. 103, for an entry under the provisions of the act of Congress approved May 20, 1862, entitled “An act to secure Homesteads to actual settlers on the public domain,” do solemnly swear, that I am the head of a family, being a widow having two children that I am a Native Citizen of the United States; that I am not the owner of any other land; that I have never borne arms against the government of the United States, or given aid or comfort to its enemies, either by word or deed, or desired them success; that said application is made for my exclusive benefit; & said entry is made for actual settlement & cultivation; & not for the use or benefit of any other person or persons whomsoever.”

Six months prior to Letitia filing her claim, on January 1, 1863, President Lincoln issued The Emancipation Proclamation, directed to areas of the country in rebellion and to all segments of the Executive branches of the US – including the Army and the Navy. Although this proclamation was limited to the 10 states then in rebellion, yet it thereby freed 3/4 of the estimated 4 million slaves in the US at that time. A little more than two years later, on April 15, 1865, Lincoln was assassinated by a fanatical southern/pro-slavery sympathizer.

Jack was almost 14 at the time of Letitia’s Homestead application and 18-year-old Martha was soon pregnant and perhaps living somewhere else with a man named Solomon Bigham. Perhaps Solomon was living with Martha in Letitia’s