

# Foreword

Before the lands in Kansas had been surveyed and opened to purchase and settlement, they could be pre-empted.

According to Paul Gates, whose work **Fifty Million Acres: Conflicts Over Kansas Land Policy 1854-1890** is definitive. “. . .on July 22, 1854, [Congress] extended the pre-emption privilege to settlers on **unsurveyed** public lands in Kansas to which all Indian rights had been surrendered, thus sanctioning squatting on the ceded lands that were now a part of the public domain.”

A land deed doesn't necessarily indicate that the landowner lived on the land, but a pre-emption certificate implies that the person did some sort of improvement on the land, then went to a land office (often either Paola or Lecompton for Franklin Countians) to register it. Once surveyed, the pre-emptor had the first option, or squatter's rights, to the land.

Lecompton, in Douglas County, was the nearest land office. Paola (or Paoli, as it was then spelled) was a special land office for the pre-emption of vacated Peoria, Piankeshaw, Kaskaskia and Wea trust lands in eastern Franklin and Miami (then Lykins) County.

Improvements that satisfied the terms of the Pre-Emption law were often spurious. The requirement that a 12' x 14' cabin should be erected was sometimes dealt with by means illustrated in Albert D. Richardson's **Beyond the Mississippi**, published in 1867. The illustrations were drawn by famed New York artist Thomas Nast. Clearly, mobile cabins and tiny 12" x 14" cabins didn't satisfy the spirit of the law.

