"MY VOCABULARY CONTAINS NO SUCH WORD AS DEFEAT"
Clara Lynch and Her Battle for Her Alberta Homestead, 1900–1909

by Sarah Carter

In 1900 Clara A. Lynch began a desperate fight to keep her land and the home she had been living on near Bentley, Alberta, since 1898. She was determined, resolute, and tenacious. She wrote eloquent letters to the highest officials in Ottawa, consulted a lawyer, and trudged through deep snow to get the signatures of neighbours on a petition supporting her right to homestead. But she faced overwhelming legal and other obstacles, including a neighbour who coveted her land. Her perseverance eventually paid off, but not during her lifetime. Her estate was finally granted a patent to her land in 1909, four years after her death in the spring of 1905.

Clara Lynch arrived in Alberta in 1898 from Sioux City, Iowa, with her husband Edward D. Lynch. He had owned a cigar company and she was a nurse. The plan was that Edward, like the thousands of other homesteaders in Alberta, would file on a quarter-section of land for a $10 filing fee. They would work together over three years to “prove up,” by building a habitable dwelling and cultivating at least ten acres. After meeting these requirements to the satisfaction of the Dominion Lands Office, and with the testimony of two witnesses, the land would then be Edward’s. He would receive clear title or letters patent to his land.

The Lynches settled as “squatters” in the summer of 1898 intending to homestead, but Edward never went through the process of legally filing on the land. By the next summer Edward was gone, returning to the United States. Clara explained in a 1900 letter to Red Deer land agent W. H. Cottingham that she and Edward had “certain differences” in Iowa and she had prevailed upon him to move to Alberta so that he would be removed “from the temptations about him” but that shortly after relocating “my husband commenced to ill treat me abuse me and beat me.” Clara had “reason to believe he is living with another woman,” and she wrote Cottingham that “when he left he positively informed me he would never return to me.”

Clara, however, was determined to remain on her Alberta homestead. She had a small log house, a stable, and a chicken house. She had cleared some land of roots making it ready for breaking. In 1900 she wanted to enter on the land as her homestead but she soon learned that as a married woman, despite the fact that she was deserted, she was not eligible.

The Dominion Lands Act (DLA) made it very difficult for women to claim homesteads. Married and single women were not eligible, and the vast majority of women fell under those categories. A woman qualified only if she was a “sole” head of household and
generally this meant a widow. Even a widow did not qualify, however, unless she was the sole provider for at least one minor child. There had been a brief window of opportunity for single women to obtain homestead land in the 1872 DLA but an amendment in 1876 removed that right.3 It was one of a number of amendments made at that time to enhance the “proper and efficient management” of the land.4 Homesteads were from then on available to “Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years…”5

The deliberate exclusion of single women from the homestead privilege in 1876 was a departure from the situation in the United States where single women could homestead.6 Despite a homesteads-for-women campaign in western Canada from 1908 to 1914, this right was not granted to women in Alberta until 1930, when there was little homestead land left. An explanation for denying women this right was articulated by Minister of the Interior and Member of Parliament for Edmonton, Frank Oliver, in the House of Commons in April 1910 when he stated that it was “not in the interest of the settlement of the country,” and that “in order that a homestead may be made productive, there should not be a single woman upon it, nor even a single man, but there should be both the man and woman in order that the homestead may be made fully advantageous to the country. The idea of giving homesteads to single women would tend directly against the idea.” Oliver concluded by saying that it was the job of the single man “to get the woman, and for the woman who wants to settle on land in the Northwest to get the man, rather than that she shall have land of her own…”7

As observed in a 1913 Saskatoon Star Phoenix column entitled “No Way for a Single Woman to Get a Farm, Unless She Captures a Man,” this was not fair. “As the law stands,” journalist “Valance Patriarche” wrote, “a woman who wants a homestead must prove she has been clever and energetic enough to have previously captured a husband and either kept him or let him die. If she has him on hand he obtains the homestead; if she has let him slip away to a better land she is solaced by having the grant made out in her own name.”8 That same year journalist Lillian Beynon Thomas used humour to criticize the law that seemed far from fair to her, noting that “there are no homesteads for women in Western Canada unless such women care to qualify by killing off any inconvenient husbands they happen to own.”9

The problem for Clara was that while her husband had slipped away to a different land, he was still very much alive. She did, however, claim to meet one essential qualification for the woman homesteader: she had a minor child. In a letter to the Red Deer land office Clara wrote that while she had no children with Edward Lynch, she had a son by a previous marriage who was depending on her for his support.10 This still did not mean that Clara was a “sole” head of family. The word “sole” was used by federal government officials to exclude a great variety of women, including those whose husbands were still alive although they had been deserted or separated. The goal appears to have been to make homesteading as impossible as possible for women, even if there was considerable neighbourly and public sympathy for women anxious to retain or obtain homestead land.11

This is a typical homesteader's cabin of the type used by Clara Lynch. This one was built in 1901 near Didsbury by Arthur Brooks.
An 1895 Department of Justice ruling set out the rights of women to make homestead entries.\textsuperscript{12} The most uncomplicated eligible category was a widow, but she had to have a minor child or children. If the widow’s only child was a son who had reached the age of eighteen, she was not eligible, as the son could apply for his own homestead.\textsuperscript{13} If her child was a daughter and under the age of twenty-one, then the mother was eligible. A married woman deserted or separated with a minor child or children could “sometimes” be eligible as it has been held that a mother has a natural right to the custody of her young children,\textsuperscript{14} but every such case was to be carefully scrutinized. An unmarried woman with adopted children was not eligible, unless once again this was “by virtue of a will or other instrument, or the judgement or order or decree of a competent court.” Wives whose husbands were incapacitated by disease or injury could sometimes be granted the right to homestead, but each case was individually examined, and in every case the applicants had to have minor children.

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The need to have a child or children was not demanded of any male homesteader who was regarded as a sole head of household, whether he was married or single. While it was not strictly required that the children reside on the land with the woman homesteader, she could be called upon to provide evidence, and some women were required to swear statutory declarations setting forth their parental status, including the names and ages of their children. The children might have to be produced for the homestead inspector, especially in cases of doubt, such as when a widow arrived from another country as “there would be some opening for misrepresentation if a widow...were granted entry merely upon her statement that she has a minor child of her own dependent on her for support, such child not being a resident of Canada.”\textsuperscript{15}

Clara faced many obstacles, including her failure to be able to provide adequate proof that she had a son.

There were other challenges and complications for Clara, including the cupidity of neighbours. A man named D.C. Ebersole wanted Clara’s land and in 1900 he filed on the quarter section where Clara lived. Ebersole claimed Clara had made no improvements and that she was living in a log house left by a previous squatter. He contended that Edward
Lynch had left and was not intending to return. He further claimed that Clara was not a widow, “had no children at all,” and could therefore not qualify as a “sole” head of household. In Ebersole’s view, Clara was a “very disagreeable woman,” and if he were to ask support from neighbours “without any exception they would all say get her out.”

Homestead inspector J.R. Thompson was sent to investigate in August of 1900. He noted that Ebersole was mistaken, that Clara Lynch was indeed resident on the land and had made improvements, including about five acres ready for breaking and crop. Despite the inspector’s report, Clara Lynch was not permitted to file on her land now claimed by Ebersole; as a married woman she was not eligible. Her husband may have left her but he was still alive. Ebersole’s entry on the land was allowed to stand. He was ordered to pay her $108 for improvements she might have made and Clara was told to vacate by July 1, 1901.

Clara Lynch was persistent however. She refused to move off the land to make way for Ebersole. Instead, she circulated a petition among her neighbours and sent this along with other correspondence to top Ottawa officials included the Minister of the Interior Clifford Sifton, and M.P. Frank Oliver. The petition declared that she had resided on her homestead since 1898, that she was in residence there when Ebersole entered on the same land, and that “whereas the said Clara A. Lynch has been deserted by her husband, therefore we your petitioners do humbly pray that you will cause the said entry upon the said land to be cancelled and an entry given to the said Clara Lynch.”

By late November 1900 she had just over thirty signatures with letters of support from neighbours accompanying the petition. Peter Talbot, a local school teacher and later a Liberal Member of Parliament, wrote to Oliver in February 1901.

One or two disagreeable neighbors are doing what they can to injure her. They want to get the land she is occupying. If anything can be done for her I hope it will be done. If Mrs. Lynch is deprived of her home I really don’t know what she will do. The best people here sympathize with her and would like the Dept. to do all possible for her.

The petition and accompanying letters were not sent until March 1901. As Clara explained in a letter to Oliver that accompanied the petition, “It should have reached you long ago but owing first to illness, then to the loss of my horses, which were both poisoned, I have had to walk in order to see the persons whose names are on it; and for a woman through the deep snow that has been very hard, slow work...” She continued her appeal:

Mr. Oliver what I ask is justice. This man Ebersol has broken every homestead law, but because he is a man can he still hold his homestead right which I can prove to you he has forfeited and I because I am a woman alone and lived up to the law, be denied my Homestead right which I am entitled to under the
law for special cases. In one sense I am worse than widowed, having a child to support and a living husband although I do not know where he is. I have not heard one word from him for a year and he has been gone almost two years.

She accused Ebersole of various unscrupulous and nefarious activities, including that he had paid a man to enter on a homestead that he wanted held for himself, that he had sworn false oaths, and stolen buildings from other homesteaders. She ended her letter, "There are plenty here ready and willing to help me work the land just as soon as they know it is mine, and I do long for a home for myself and my child. Believing that you will do all in your power to see a woman righted."

Surprisingly Frank Oliver was persuaded, perhaps because of Talbot’s letter, or concern that he might lose Liberal supporters in the Lacombe neighbourhood. Oliver had also long been a supporter of the rights of squatters. He urged the Dominion Lands Commissioner in Ottawa, J.G. Turriff, to give Clara Lynch’s application “favorable consideration,” writing in March 1901 that “this is clearly a very hard case, and one in which it seems to me the Department would be justified in straining a point to protect an honest though unfortunate settler against what is clearly a case of claim jumping.”

But Turriff was adament that nothing could be done for Clara, replying to Oliver that “It is impossible, at the present time, for us to consider Mrs. Lynch as the head of a family, and, therefore, we cannot give her a homestead entry. Her husband is alive, and is liable to come back any day…”

Oliver conveyed to Clara the bad news that she was not regarded as a sole head of a family and advised her to remain on her land until Ebersole paid her the money. Clara was outraged:

I should like to know by what authority this man [Turriff] who cannot, or if he can, does not, sign his own name legibly, dares to assert under the sacred Motto on Canada’s shield “God and my Right,” that I am not the head of a family; if he only knew the man that was my husband, but is such no longer, he would know, that I was forced to be the head of the family whether I would or no.

I can point you to at least a dozen creatures of the species, male bipeds, in my own immediate neighborhood, who have homestead entry, who are not, and in all human probability, never will be heads of families; I think his lexicon must be an obsolete one.

Clara wrote that she possessed “better business ability than nine tenths of the men in this section, but just give me the ghost of a chance and I will prove to you and the department and outrival any man hereabout…” She was unable to leave her land to make any money as she had not been permitted to enter on her land and therefore had no legal claim: “I dare not leave it for
fear somebody will step in and get all my hard work.”

One concession was made to Clara: she was offered the opportunity to purchase an adjoining quarter section for $3.00 an acre or $480 (which was more than the annual wage of many workers in Canada in 1900), although not the land on which she had her home and other improvements.29 She would also remain subject to “homestead conditions,” meaning that she would still have to “prove up.”30 This would mean starting all over again as her improvements were on another quarter section. It also meant paying for land that was virtually free to all male homesteaders. Clara was indignant. A male homesteader could acquire land for a $10 filing fee. She demanded to know why: “... because I am a woman [I] must pay $3 per Acre and no [homestead] entry. Tell me where is the justice in that?”31

Clara wrote directly to minister of the Minister of the Interior, Clifford Sifton, in May 1901, asking that he bring her petition and case before parliament “and by a special act grant my request.”32 She warned him that a neighbour had told her that, “If Minister Sifton refuses to grant our request, he is digging his grave politically. We shall not forget it when another election rolls around!” She reached new levels of eloquence in this letter, writing for example that “It seems the ponderous Law hems you all in like a helpless infant toddling along by [its] portly nurse.” She asked “what crime you would advise me to commit, in order to obtain my just right? Murder, Theft, Perjury or Forcery.”

Lynch had an example of a woman in her neighbourhood who had confessed to being an accomplice in the murder of her husband yet was permitted to enter on a homestead. She also claimed that Ebersole was guilty of theft, perjury, and forgery.33 Yet, she argued, “because I am a woman struggling alone and obeying every law must pay school and road taxes and cannot be granted an entry for my homestead.” She quoted Shakespeare and from the Bible. In conclusion Lynch wrote “Please remember that Hell hath no fury like a woman scorned! And that I never forget.”

Clifford Sifton did reply to Clara on July 2, 1901, although he never brought her petition and her case before parliament.34 Because her husband was alive, Sifton could do little for her. He wrote that “under our law you cannot be recognized as a head of a family. Your husband may return any day and apply for an entry, and the law never intended and does not permit of both husband and wife having homestead entries.” Sifton did make one concession, however; that Clara could purchase her land for $1.00 per acre. Sifton wrote that “This is the most liberal treatment that it is in my power to extend and I trust that it will be satisfactory.”

Clara Lynch’s claim for a homestead was at NW1/4 Sec.12-Tp.40-R1.W5 (see arrow), seen here in a map of 1918. By that time the land was owned by S. Leiske.
Clara did not purchase her land, nor was she ever granted the right to homestead her land. Her letter to Sifton of May 1901 was the last in her own hand in the voluminous file that documents her fight. But there was one more document that she filled out, her “Application for a Homestead Entry,” signed on April 5, 1905. In it she swore that she was the “sole head of a family and a widow and have a minor child depending on me for support.” She died exactly one month later, on May 5, 1905 in Edmonton, age thirty-nine of “abcess and tuberculosis.” She was identified as a “married nurse.”

A day before she died she left a will, in which she was described as the “widow” of Edward D. Lynch. She appointed Edmonton lawyer and politician Wilfrid Gariépy as executor of her will and left her estate to “Charles A. Boughton, my natural son, whom I placed either in the year 1886 or 1887 in the Children’s home of the friendless in Buffalo New York, in the United States of America, and from whom or about whom I never heard since.”

So Clara had a son after all, a “natural” or “illegitimate” child. Perhaps she had long hoped that if she could secure her homestead she might have been able to find him in the Children’s Home of the Friendless, and bring him to Alberta.

Incredibly, Clara’s fight for her land was not over; it continued for four years after her death. Her right to her land remained in limbo, as she had entered on her homestead a month before her death, but had not gone through the process required to secure a patent. Executor of her will Wilfrid Gariépy wanted the patent to the land for her estate, particularly because there were a lot of bills to pay and “the only valuable asset is a homestead.” But there was concern about a variety of issues, including that she only ever had five acres under cultivation. Her status as a “sole” head of family also remained at issue. Gariépy made the mistake of stating in a letter to the department of the interior that Clara “died leaving no relatives whatever…” Authorities pounced on this to try to ensure the land did not revert to Clara’s estate; if she had no relatives she could never have been a head of family, sole or otherwise. In her 1905 homestead entry, and in earlier letters in her file, Clara had stated that she had a child, but Gariépy had written that she had no relatives. An inspector was dispatched to make inquiries in Clara’s neighbourhood and reported that he was “strongly of the opinion” that there was no such child; those who had known Clara knew of no child.

The issue was still not resolved in 1907 when another inspector was sent and arrived at the same conclusion that there was no evidence of a child, and therefore Clara “was not entitled to a patent … she not being a widow or the head of a family.” There was still the suspicion that she had fabricated the story of a child in order to bolster her entitlement to a homestead. Yet it is not surprising that Clara would have kept knowledge of an “illegitimate” child from her neighbours, as this would have ruined her reputation as a respectable woman. Gariépy believed her and explained to the Department of the Interior that “It is quite true that Mrs. Lynch died a widow leaving a minor child. This
child is now in a charitable institution in the United States to the best of our information, but in spite of very careful inquiries we are so far unable to locate him. Clara’s son would have been at least eighteen in 1905 and likely would have left the orphanage. He also would no longer have been a “minor.”

After a mountain of correspondence, in which officials disagreed about and debated the case, Clara’s estate was finally granted patent to her land in April 1909, but she still had to pay for it. It was eventually ruled that Sifton’s 1901 permission to Clara to purchase her homestead dispensed with the need to consider her qualifications, such as was she a head of family with a minor child.

It was decided that a patent could be issued if the estate purchased the land. Gariépy initially argued the estate could not afford to buy the land, but he eventually relented and purchased the land for $160. The patent was issued in Gariépy’s name, as her legal representative, so she was even denied that legacy. Clara never was granted the right to homestead.

A sad irony is that if Clara had remained in the United States, or returned there, she would have had no trouble securing a homestead. As a deserted woman she would have been considered a head of household regardless of whether she had children. Clara was not alone in her frustrations with Canada’s discriminatory land laws. A homesteads-for-women campaign gained momentum around 1908 and culminated in 1913 with the presentation to parliament of a petition with more than 11,000 signatures. Homesteads-for-women, and the campaign for dower rights, were important components of early twentieth century feminist activism in western Canada. But the homesteads-for-women petition and campaign was completely ignored by federal officials. Yet even if it had been successful, Clara, as a settler from the United States, would not have been eligible for a homestead. The organizers of the campaign adopted the tactic that homesteads should be granted to women of “British birth” rather than “foreign” men. “Foreign” women were excluded, and this category included women from the United States, like Clara. This strategy weakened

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The federal government never permitted women homestead rights on the same basis as men, although there were minor revisions to the rules over the years. First, women who could prove desertion for five years were permitted homestead entry, and in 1920 this was changed to two years, although in each case there would be “an investigation by a homestead inspector regarding the BONA FIDES of the application.” The inspector’s report had to “clearly show that there is no danger of collusion” of the husband and wife plotting to both acquire land. There was always an assumption that women wanting land would resort to deceptive and evasive tactics.

When the federal government released control of Crown lands to the western provinces in 1930, Alberta was the only province where there was homestead land left, and it was thus the only province where women were finally granted the right to
WOMEN HOMESTEADERS.

Canadian women in considerable numbers are answering the call of the land. A change in the regulations governing the acquisition of homesteads has sent more than 2,000 Alberta women into the venture in eighteen months. Formally, only widows who were heads of families were eligible along with men; now any woman of age and certain residential qualifications may take up a homestead in Alberta.

In 1931, when Alberta took control of its natural resources, it granted the right to homestead on the same basis as men.

The justice Clara Lynch asked for, "that I be granted a homestead entry in my own name" arrived twenty-five years too late for her. Her story, and that of countless other Albertans, has been buried in the homestead files for over one hundred years. Among her last words in that file were "I never forget," and we should never forget her.

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NOTES

1. The Alberta Land Settlement Infrastructure Project (ALSIP) of the University of Alberta is funded by a Canada Foundation for Innovation Grant, the Government of Alberta and University of Alberta. It is digitizing Alberta homestead files and creating a data bank, all to be publicly available on the Internet. Peter Baskerville is leading the project with the assistance of Sarah Carter and Sean Douglas. The team of experts in homestead documents, many of these students, are working under the direction of Leigh Johnson, and formerly Silvia Russell, and Richard Fitches. Thanks to Katie Pollock, who discovered Clara Lynch's file. Thanks also to Cheryl Parley for transcribing Clara's letters. The project website can be accessed at www.abheyday.com.

2. Clara A. Lynch to W.H. Cottingham, 2 June, 1900. Provincial Archives of Alberta (PAA), homestead file 570088, reel 2062. All of the rest of the correspondence in this article is from this file. Her land was Section 12, Township 40, Range 1, West of the 5th Meridian. For the history of Bentley see Bentley and District Early History (Bentley and District Historical Society, 1982).


4. Manitoba Free Press 5 May, 1876.


8. Saskatoon Star Phoenix, 17 April, 1913.


10. Lynch to Cottingham, 2 June, 1900.


16. D.C. Ebersole to Cottingham, 30 October, 1897 (obscure).

17. Ibid., June 5, 1900.

18. J.R. Thompson to Cottingham, ?? August, 1900.

19. Lynch to Cottingham, ?? August, 1900.

20. J.G. Turriff to Frank Oliver, 18 April, 1901.


22. P. Talbot to Oliver, 18 Feb., 1901.

23. Lynch to Oliver, 11 March, 1901.


25. Oliver to Turriff, 27 March, 1901.

26. Turriff to Oliver, 3 April, 1901.

27. Oliver to Turriff, 22 May, 1901. Clara Lynch wrote hi a letter to Cottingham 8 June, 1901 that Oliver "advised me not to vacate until I am paid the money from Ebersole."

28. Lynch to Oliver, 15 May, 1901.

29. Turriff to Oliver, 3 April, 1901.


32. Lynch to Sifton, 18 May, 1901.

33. Mary Eliza Hagle of Lacombe confessed to being an accomplice with her brother in the murder of her husband Nelson Hagle in 1898. She claimed that her husband intended to kill her, See Calgary Weekly Herald, 21 Dec., 1899: 8. I could not find that in fact Hagle had been permitted to enter on a homestead as Clara Lynch claimed.

34. Sifton to Lynch, 2 July, 1901.

35. Thanks to Provincial Archives of Alberta reference archivist David Reed who found this information about "Mrs. C. Lynch" after searching the vital statistics indexes of the PAA as well as the Alberta Genealogical Society's Cemetery Index. E-mail correspondence, David Reed to S. Carter, 6 March, 2013.

36. Wilfrid Garépy to Secretary, Department of the Interior, 8 August, 1905.

37. Ibid.

38. Lynwood Pereira to Garépy, 14 September, 1905.


40. W.D. Magee memorandum 6 December, 1907.

41. Garépy to Secretary of the Interior 10 October, 1905.

42. F.F. Roy Dixon to J.W. Greenway, 11 December, 1905.

43. Garépy to secretary, Department of the Interior, 26 February, 1906.
SCARLET RIBBONS

It was a gang of three girls walking along Eighth avenue that attracted the attention of Kate Wiltshire of the News Telegram about ten o’clock on Monday morning. Not only was her attention held but various citizens on the way turned in amazement and stared after the girls as they passed along, then with an exclamation of disgust, straightaway pushed the disagreeable incident from mind, but not so Kate Wiltshire; walking rapidly so as to keep immediately behind the three girls she followed them from Second Street West to First Street East where she walked alongside and taking hold of the youngest member of the gang, said: “Stop a moment. Stop a moment. I am going to ask you to remove that band from across your hat.” The girl whom she held by the arm - a pretty doll-faced bit of young womanhood, tugged back from the woman’s gape defiantly. “What do you want,” she said. “What I got on my hat, I guess I paid for, and I guess I’ll put it on.”

“No you won’t,” said the woman, “unless you want to make trouble for yourself. I have the right to take that band, but I am going to wait and you are going to give it to me.” A moment’s hesitation and then with a look of fear and a trembling of the childish mouth - a pair of hands went up and in a moment the flaming scarlet band that had been pinned prominently across the large hat was a crumpled mass in the girl’s hands. “Give it to me,” said the woman. “Why?” almost shrieked the girl, “give it to you! Say, I paid twenty-five cents in good cash for this here band -give it to you - nix!”

The band referred to was a strip of crimson felt bearing the words in bold white type; “OUT FOR A HELLUVA TIME,” and after a few minutes’ straight talk it was shoved into the newspaper woman’s hands while she and the girl followed in the wake of the other two young women who directly their companion was halted had hurried on. However, they were found near the News Telegram office in a little shop, where they too, were made to unpin from their hats and hand over to Miss Wiltshire similar bands as that bear the above sentence. The ages of these girls were 15, 16 and 18 years respectively. Their names are being held and the attention of the Children’s Aid Society has been drawn into the matter.

Calgary News-Telegram, September 3, 1912.