

THE CASH STORE

WHITING BROS., PROPS.

Owners of

Whiting's Saw Mill and Planing Machinery, St. Johns Bottling Works,
Whiting's Ice Cream Parlor, Whiting's Feed Stable and Whiting Bros.
Cattle and Pastures. Whiting's Lumber Yard in St. Johns.

The Only Strictly One Price Cash Store in Apache County.

St. Johns, Arizona, _____ 191_____

A Short History of the E M Whiting Homestead

When Edwin and Mariah moved their family back to Arizona from Mapleton in 1901 they purchased property at The Meadows, about 6 miles NW of St Johns on the Little Colorado River. Other places they lived and purchased property in the years prior to moving to the current homestead were in St Johns and Greer Valley.

A careful reading of the materials and documents submitted by Edwin Marion for the current Whiting homestead we find that he had filed papers to prove a homestead at or near The Meadows.

On the initial *Homestead Entry* application, dated February 10, 1914 for the current Whiting homestead there is an item requiring a certified response: “...; and that I have not heretofore made any entry under the homestead laws (except I filed on a Homestead, at the Phoenix Land Office, land on Little Colorado, and Relinquished in 1910);”. As a result of this statement the *Homestead Entry* was suspended at the land office until a statement from Edwin Marion regarding this prior entry application was submitted.

The required sworn statement regarding the prior *Homestead Entry* was submitted on March 11, 1914 by Edwin Marion to the Phoenix Land Office. From his sworn statement the following information is learned:

...; That he made Homestead entry No,05381, in Section Four Twp 14 R.25 E., and that the same was relinquished on the 10th day of January, 1911, to the best of his knowledge and belief. Further that he sold his improvements on the said homestead to one Milo Webb of Snowflake, Arizona;

That the amount of improvements actually on the said Homestead and which was sold to the said Milo Webb are as follows, viz ; Approximately three and one-half miles of barbed wire fence which fenced the homestead in connection with a Rail-road section fenced in connection therewith and approximately one and three-fourths miles of fence on the said homestead. One small one room lumber shack, valued at about \$40,;

That the said improvements above stated was sold to said Milo Webb for the following items ; For one horse and wagon valued at about \$174 ; and about \$25. In cash.

Edwin Marion had filled his *Homestead Entry* document for his first homestead on March 25, 1909, so he had worked approximately two years on that site building a “small house”, fencing the property, and cultivating crops before he relinquished his claim to that site and sold the improvements to Milo Webb.

With the relinquishing of his former claim and the sale of improvements he was allowed to file a second *Homestead Entry* document, which he did on February 10, 1914 to begin the process of proving a homestead located in the White Mountains. After he filed this second, he proceeded prove his claim to the land in three (3) years as required by law. His *Homestead Entry Final Proof* document was completed and filed with the Phoenix Land Office on November 20, 1917. The homestead comprised 160 acres, however some documents list it as 159 acres.

After the filing of the final proof it took until July 19, 1919 for the land patent to be issued. The additional 20 months were taken up with various legal notices, additional filings of supporting documents and government processing time. The final patent number 697406 was signed by the secretary to the President of the United States of America for and in behalf of President Woodrow Wilson.

From a reading of the *Homestead Entry Final Proof* document we can learn a great deal about Edwin M. Whiting and his family and their activities during the years of 1914 through 1917. Listed below is a selection of the questions from that form and the answers provided. (the number before each question are the question numbers from the document, question from document in italics)

The following transcription from the Final Proof document is typed as written without changing punctuation or spelling as the case may be:

Question 5. If married, of whom does your family consist?

Answer. Wife and three minor children at home. Six married children.

Question 7. When did you establish residence upon this land?

Answer. July 5, 1914

Question 8. When was your house built on this land?

Answer. About July 20, 1914

Question 9. Have either you or your family ever been absent from the homestead since establishing residence?

Answer. Yes

Question 10. If there has been such absence, give the dates covered by each absence; and as to each absence state whether you, your family or both absent and the reason for each absence.

Answer: Claimant and family have moved to St Johns each year to send children to school for four to five months. Claimant does not remember exact dates, but has given them to the forest ranger each year.

Question 11. Describe the land embraced in above entry by legal sub divisions, showing fully the character of same, and kind and amount of timber, if any.

Answer.

<i>Subdivision</i>	<i>Acres cultivable</i>	<i>Acres timbered</i>	<i>Feet timber</i>
N ² SE ⁴ ; Sec 10	43 acres	None about ten trees scattered	
NW ⁴ SW ⁴ ; Sec 11	35 "	about 20 trees scattering	10,000 ft.
W ² NE ⁴ SW ⁴ ; " 11	24 "	none	none
No timber nor cultivation on balance			

Question 12. State the number of acres cultivated, kind of crop planted, and amount harvested, each year.

Answer. 1915, 10 acres, potatoes, oats, and barley, good yield.

1916, 18 acres, corn, barley, oats, potatoes, 14 loads grain, 15000 # potatoes
7 loads corn.

1917, 22 acres, 6 loads grain hay, 8 loads corn, 6000# potatoes, about ½ acre small garden.

Question 13. Describe fully and in detail the amount and kind of improvements and number of acres under cultivation on each subdivision. State total value of improvements on the claim.

Answer: four wire fence around the entire claim. Three room house, barn, corral, shed for machinery, Ice house.

Total acres cultivated 22, *Total value of improvements* \$2000.00

Question 18. Have you any personal property of any kind elsewhere than on this claim? If so, describe the same, and state where the same is kept.

Answer. Interest in saw mill nearby, interest in cattle, ranging in and around homestead in summer and around St Johns in winter, Home in St Johns.

In 1915 there was a late heavy snow which prevented Edwin M. Whiting from returning to the homestead claim on his expected return date, which should have been on or about April 1st . We have all heard the story of his leaving the mill site to return to the homestead each night to sleep to keep his claim valid. This letter supports that dedication and is a testament of his integrity and commitment to his sworn oath to be on the homestead in order to gain ownership. As a result of his late return he sent the following letter to the Land Office in Phoenix explaining his delay.

Transcription of letter to US Land Office:

St Johns Apache Co. Ariz
May 5th

Department of the Interior
U S Land Office

I (E M Whiting)
came back to my
homestead Apr 20th 1915.
I am here to stay.
I could not move
back sooner as the snow
is so unusualy deep this
year I enclose the rangers
description of the land
/ss/Edwin M. Whiting

This letter was received by the US Land Office on May 10, 1915.

Other Whiting Homesteads

There were at least two ways a person could get a homestead patent from the US Government. First method consisted of living on the land for 3 years and making improvements. The second way was for the outright purchase of the land from the government at the sum of \$1.25 per acre. The size of homesteads varied based on the portion of the enabling legislation used, 160 acres for homesteads and small farming operations, 320 and 640 acres for cattle grazing land. So depending on the initial purpose of the homesteading claimant the homestead size was determined.

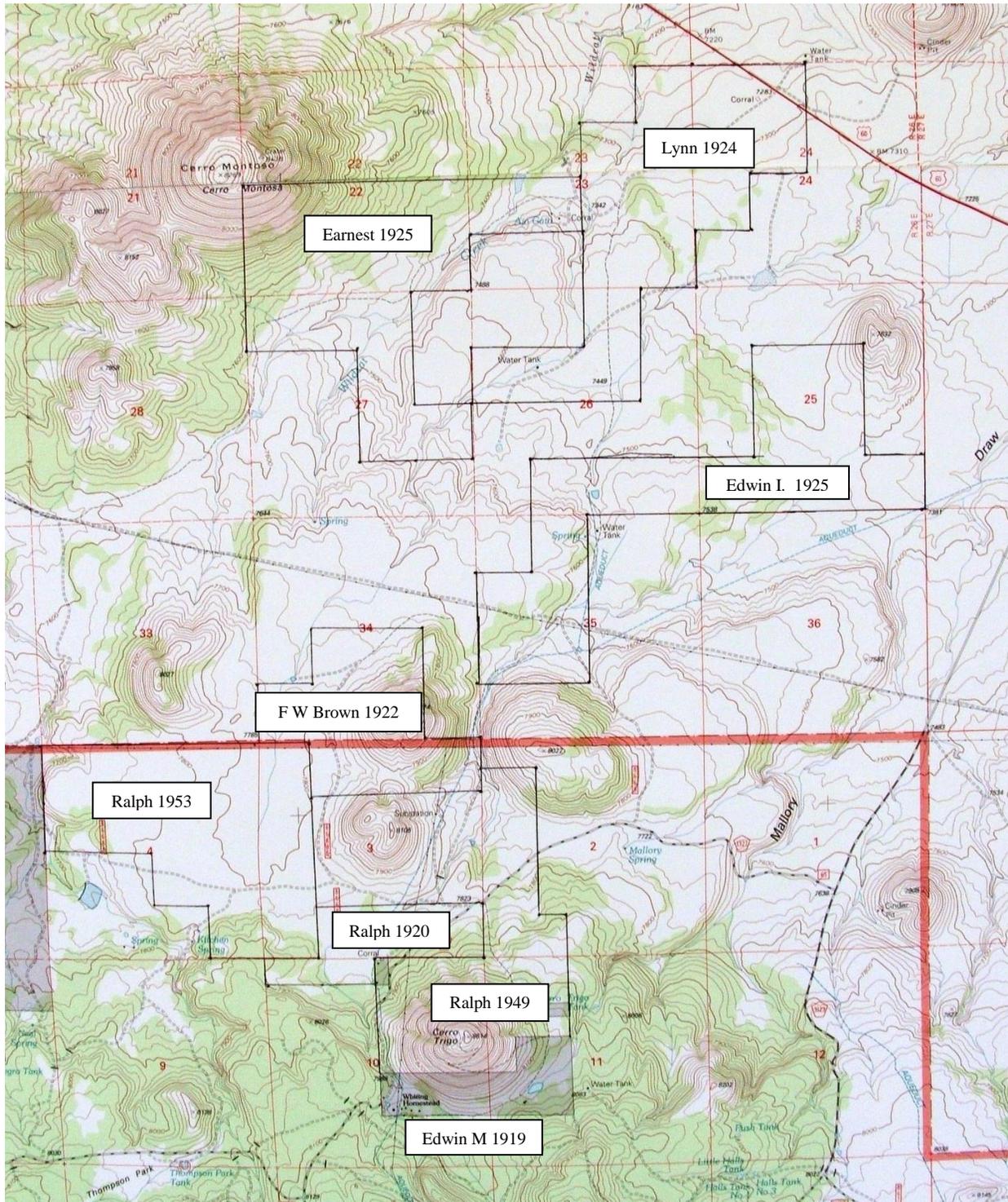
A Land Patent is a document of land ownership from the government to an individual who became the first owner of formerly public lands. For such initial ownership this land patent served as a deed to the land and was filed in local records just as a deed would have been.

Four of the 5 Whiting brothers had a homestead (Arthur did not have a homestead), as well as other extended family members. What follows is a listing of the Whiting brothers homesteads and a partial listing of extended family members who had homesteads. All of these homesteads were North of the EM Whiting homestead varying distances. I know that other cousins and more distant relations also had homesteads in the White Mountains of Arizona and these are not listed below.

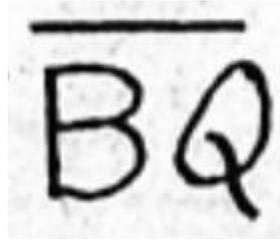
- 1) Edwin I. Whiting, Land Patent 962527, June 29, 1925, 640 acres
- 2) Earnest J Whiting, Land Patent 965968, September 2, 1925, 640 acres
- 3) Lynn S. Whiting, Land Patent 947756, November 12, 1924, 640 acres
- 4) Ralph E. Whiting, Land Patent 728491, January 19, 1920, 160 acres
 - Ralph also had two other patents for land which adjoined his original homestead
 - Land Patent 1126540, July 6, 1940, 795.29 acres, land trade with USFS
 - Land Patent 1139358, June 3, 1953, 594.99 acres, land trade with USFS
- 5) Charles (Verona) Whiting, Land Patent 712178, October 11, 1919, 160 acres
- 6) Francis M. Whiting, Land Patent 832521, November 15, 1921, 320 acres
- 7) Bernard S. Whiting, Land Patent 1000999, April 29, 1927, 160 acres
- 8) Francis W. Brown, Land Patent 889711, December 7, 1922, 320 acres

For more information on these or other homesteads see the web site for the US General Land Office at <http://www.gloreCORDS.blm.gov/PatentSearch/> . You can search by claimant name and/or state as this is a listing of all land patents issued in areas outside of the original 13 colonies. You can download a copy of the land patent for most homesteads issued. Once you have some basic information about the homestead it is possible to order copies of the supporting documents submitted by the claimant from the US National Archives web site at <http://www.archives.gov/contact/>.

Location of Whiting Family Homesteads



The Whiting Bar-B-Q Brand History



The following information on the Bar-B-Q brand has been extracted from files of the Arizona Department of Agriculture. Copies of these documents were provided by William J and Candace Simper. We thank them for sharing this information.

The initial brand was issued to E M Whiting of St Johns Arizona as “Territorial Brand Certificate 11103” on October 4, 1907 by the Livestock Sanitation Board in Phoenix, Arizona. The brand registration was recorded in the territorial brand book on page 1318. The brand was registered for use on both cattle and horses it was to be placed centered on the right front shoulder.

Since every brand must be re-registered as determined by the State the Bar-B-Q brand was renewed and/or applications submitted as shown in the following chronology:

1. November 13, 1919, EM Whiting owner, signed by R E Whiting
2. December 4, 1931, EM Whiting owner, signed by Arthur C Whiting
3. November 25, 1941, EM Whiting owner, signed by E I Whiting
4. November 30, 1951, EM Whiting owner, signed by E I Whiting
5. December 28, 1951, EM Whiting owner, signed by Anna Maria Whiting
(this was a duplicated application but was signed by Anna Maria Whiting)
6. January 18, 1961, Whiting Brothers owner, signed by A C Whiting
7. February 13, 1971, Whiting Brothers owner, signed by A C Whiting
 - a. (brand location changed to centered on right side ribs for cattle)
8. March 7, 1973, Whiting Brothers owner
9. January 3, 1983, Whiting Brothers owner
10. February 11, 1992, Austin & Beth Whiting Simper owner
 - a. (brand location changed back to the right front shoulder for cattle and horses)
11. Registration with expiration date of February 15, 2006, Austin & Beth Whiting Simper owner
12. February 15, 2006 the brand registration was transferred to Candace & William J Simper who currently own the brand registration

Arizona, unlike some other states, restricts each brand to one owner statewide regardless of the range where animals will be kept. The state of Utah in the 19th century had the state divided into grazing districts and the same brand could be registered in each grazing district to a different

person or entity. Some brands were very popular and were in several districts. (see Utah State Archives ([Division of Animal Industry's Brand books, 1849-1930](#))

In 1973 Whiting Brothers did not submit their brand registration renewal application in a timely manner and came within about two weeks of losing the brand to the Sportsman Clearing House of the Tonto Basin. But because of the assistance of Lloyd Paulsell, local cattle inspector and good friend of the Whiting family, Whiting Brothers were notified in time to keep the brand. It is interesting to note that this brand was not used by Whiting Brothers for the last several years they had it. They applied for a new brand, the slash bar (/ -), which they used for the last 25+ years they had cattle. The date they got the new brand is not known for certain but it was probably in 1960 and was used until Whiting Brothers in Holbrook was dissolved and the assets sold in the early 1990's. When the brand came up for re-registration in late 1991 Whiting Brothers decided to not renew the brand again. At that time Beth Whiting Simper (daughter of Earnest J Whiting) applied for and registered the original Bar-B-Q brand to keep it in the Whiting family.

Sources:

Farr, Annette W., 1969, *The Story of Edwin Marion Whiting*

National Archives, Document file for Edwin Marion Whiting, Homestead Patent 697406, 1919.

US General Land Office, Copies of Land Patents Issued, copies downloaded from Web site:
<http://www.glorerecords.blm.gov/>

Arizona Department of Agriculture, Brand Registration files, Bar-B-Q Brand

The “Cash Store” letterhead copied from document in the National Archives documents supplied as part of the EM Whiting Homestead Patent.

Note:

Copies of all documents are in the possession of the author. A. Daniel Simper, G-Grandson of EM Whiting (Earnest, Beth).