

# HOMESTEAD AFFIDAVIT

Under Section 2294, Revised Statutes, for settlers who cannot appear at the District Land Office.

*Territory of Dakota }  
County of Eddy } S.S.*

Office of the Clerk of the Court

For *Eddy* County,

*May 17th*, 1888.

I, *Francis McCabe Sr.* of *Eddy County D.T.*

having filed my Homestead Application No. *2130*, do solemnly swear that *I am the head of a family over 21 years of age, and have declared my intention of becoming a citizen of the United States*

that said application No. *2130* is made for the purpose of actual settlement and cultivation; that said entry is made for my exclusive use and benefit, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that *I am*

now residing on the land I desire to enter, and that I have made a bona fide improvement and settlement thereon; that said settlement was commenced *January 1st 1888.*

that my improvements consist of *30 acres of breaking, House 12x16 feet*

and that the value of the same is \$ *100.<sup>00</sup>*; that owing to *the long distance and the expense*

I am unable to appear at the District Land Office to make this affidavit, and that I have never before made a homestead entry ~~except~~

*J. W. Watkins* } *his witness* } *Francis McCabe Sr.*  
*W. Brown* } } *mark*

Sworn to and subscribed before me this *10th* day of *May*, 1888.

*Henry E. Gardner*  
Clerk of the District Court for Eddy County D.T.  
~~Clerk of the Court for~~ *By: James W. Watkins*  
*deputy.*

NOTE.—The claimant must fill up the blank places above, showing whether he is the head of a family or over twenty-one years of age; whether a native citizen, or has declared his intention to become a citizen; whether he and his family, or some member thereof, is residing on the land, giving the date of actual settlement, describing the dwelling-house and improvements, and stating the value of the same, and stating reason for not appearing at the District Land Office. If claimant ever before made a homestead entry, describe the same; if not, draw a line over the word "except."

# No. 1-HOMESTEAD.

Land Office at Devils Lake, N.D.

April 6 1895

We, Francis McCalister, Michael McCalister of Tippary, N. Dak.

who made Homestead Application No. 7130 for the SW 1/4

Sec. 11 T149N, R. 64W.

do hereby give notice of my intention to make final proof to establish my claim to the land above described, and that I expect to prove my residence and cultivation before the clerk of the District Court of Edgemoor, N. Dak.

on May 17 1895

by two of the following witnesses:

- Fred Skidmore of Tippary, N. Dak.
  - Christopher Guyon of Tippary, N. Dak.
  - Fred Spiek of New Rockford, N. Dak.
  - S. Newton Fubman of New Rockford, N. Dak.
- Francis McCalister Michael McCalister  
 (Signature of Claimant.)

LAND OFFICE AT Devils Lake, N.D.

April 6 1895

Notice of the above application will be published in the Transcript printed at New Rockford, N.D. which I hereby designate as the newspaper published nearest the land described in said application.

Ruben Noble  
Register.

NOTICE TO CLAIMANT—Give time and place of proving up and name and title of the officer before whom proof is to be made; also give names and post office address of four neighbors, two of whom must appear as your witnesses.

In the U. S. Land Office  
Quills Lake, N. D.

State of N. Dak  
Eddy County, N.

Frank McCabe  
being first duly sworn  
deposes and says that he  
is the son of Frank McCabe  
who made H. E. No. 2130  
for the S W 1/4 Sec. 11, T. 49 N., R. 64 W.  
on the 17 day of May A. D. 1898  
and who died on the 27 day of  
December A. D. 1897. That the wife  
of said Frank McCabe is  
and the mother of this affiant  
and that said Frank McCabe  
died. That the children and  
heirs of said Frank McCabe are  
myself, Frank McCabe  
Jr., and Michael McCabe, who  
lives at Devils Lake in N. Dak.  
and that there are no other heirs.

Further deponent can't not  
subscribed and sworn to  
before me this 17th day  
May A. D. 1895.

P. M. Walters  
Clk of the Court.

# HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

I, Son and Lawfull heir of Francis Mc Cabe deceased  
Francis Mc Cabe, being called as a witness in his own behalf in support  
of homestead entry, No. 2130, for S.W. 1/4 S. 11. Town 149 Range 6,  
testifies as follows:

Ques. 1.—What is ~~your~~ <sup>was deceased and your</sup> name, age, and post-office address? <sup>at that time of death</sup>

Ans. Francis Mc Cabe, 73 Years, Tuffany, N. Dakota  
*My name is Francis Mc Cabe Jr., 48 yrs. old, Tuffany, N. Dak. and was deceased*

Ques. 2.—Are you a native-born citizen of the United States, and if so, in what State or Territory were you born? \*

Ans. W. Virginia  
*Is he deceased* <sup>He had taken the papers - through father's young brothers.</sup>

Ques. 3.—Are you the identical person who made homestead entry, No. 2130, at the DeWitts Lake land office on the December 10th day of May, 1888, and what is the true description of the land now claimed by you?

Ans. Yes: One S.W. 1/4 of Section 11 Township 149 N. Range 6 T. 1st.

Ques. 4.—When was your house built on the land and when did <sup>he</sup> you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. May 5th 1888; May 5th 1888  
*House frame 12x16, single roof, with stove, also a well barn worth \$25 or \$30 and his*

Ques. 5.—Of whom <sup>did he</sup> does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Myself and three children  
*three months father from Spring of '88 till his death*

Ques. 6.—For what period or periods <sup>was it himself and</sup> have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence? <sup>He never lived out place with family</sup>

Ans. have not been absent since I made application. I moved them and fixated my family this last spring. After father's death we cultivated the land.

Ques. 7.—How much of the land have you cultivated each season, and for how many seasons have you raised crops thereon?

Ans. about 30 acres each season up to date

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No!

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. agricultural land: <sup>most valuable</sup> for farming purposes

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. ~~No! Except in my own name and right.~~

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No! Except one in my own name and right. Father never made any other homestead entries at all.

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. No!

Ques. 13.—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.)

Ans. No!

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral), made by you since

Ans. have not

*in presence of*  
P. M. Mattson  
S. M. Putnam (Sign plainly with full christian name)

\*(In case the party is of foreign birth a certified translation of naturalization, or a copy thereof, certified by the proper authorities, is only required in final (five-year) homestead cases.)

# HOMESTEAD PROOF.

LAND OFFICE AT

Devils Lake, North Dakota

Original Application No. 2139

Final Certificate No. 1476

Approved:

*Richard Noble* Register

Receiver.

## FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION 2291 OF THE REVISED STATUTES OF THE UNITED STATES.

I, *Son and Landfall heirs of Francis M. Cary*  
*Francis M. Cary*, having made a Homestead entry of the *S.W. 1/4*

Section No. *11* in Township No. *149*  
of Range No. *64*, subject to entry at *Devils Lake, N.D.*,

under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto  
by virtue of section No. *2291* of the Revised Statutes of the United States; and for that

purpose do solemnly *swear* that I *am a Naturalized*

*What deceased and I* citizen of the United States; that I have made actual settlement  
upon and have cultivated and resided upon said land since the *8th* day of *May*, 1888  
to the present time; that no part of said land has been alienated, except as provided in section 2288 of the  
Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance  
to the Government of the United States; and, further, that I have not heretofore perfected or abandoned

an entry made under the homestead laws of the United States, except *one perfected in my own name*

*Witness to mark & endorse in print, - A. D. 1895.*  
*P. M. Mattson* }  
*E. M. Putnam* }  
(Sign plainly with full Christian name.) *Francis M. Cary*

I, *P. M. Mattson* of *New Kirkford, N. Dak*

do hereby certify that the above affidavit was subscribed and sworn to before me this *17th* day of  
*May*, 1895, at my office at *New Kirkford* in *Eddy*

County, *N. Dak*  
*P. M. Mattson*  
Clerk of Court