

of Dakota
 county of Eddy 300

HOMESTEAD, PRE-EMPTION, AND COMMUTATION PROOF.

TESTIMONY OF CLAIMANT.

Full and Specific Answers must be given to each Question. Evasive Answers will be Fatal to the Proof.

Francis M. Cabe Sr., claimant, being first duly sworn, testifies as follows:

Question 1.—What is your correct name, your age, and occupation? If employed by any person, state by whom.

Ans. Francis M. Cabe Sr. 85; farmer operating farm

Ques. 2.—What is your post-office address?

Ans. Tiffany Eddy Co Dak

Ques. 3.—Are you the identical person who made pre-emption filing No. 973 (or homestead entry No. _____) at the

Devils Lake land office on the April 14 day of April, 1884, and what is the true description of the land now claimed by you?

Ans. I am N.W. 4 sec 41-149 R 64

Ques. 4.—Where did you live before settling upon this land, and what was your occupation?

Ans. Devils Lake Farming

Ques. 5.—Are you a citizen of the United States, or have you declared your intention to become such?

Ans. I have declared my intention

(In case the party is of foreign birth, a copy of his declaration of intention to become a citizen or full naturalization certificate, officially certified, must be filed with the case. The latter is only required in final homestead entries.)

Ques. 6.—Are you interested in any other entry or filing than the one upon which you now seek to make proof?

Ans. I am not.

Ques. 7.—Have you ever made a pre-emption filing for any other tract of land, or made any other homestead entry or filing or entry of any kind? (Answer each question separately, describe the land, and state what disposition you made of your claim.)

Ans. I have made only the above entry

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. Farming land only

1

Ques. 10.—Is the land valuable for coal, iron, stone, or minerals of any kind? Has any coal or other minerals been discovered thereon, or is any coal or mineral known to be contained therein? Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

Ans.

(A) No: (B) not to my knowledge

(C) not to my knowledge

Ques. 11.—If the land is timber land, state the kind, quality, and amount of timber thereon at date of initiating your claim, the amount still standing, how much has been cut and removed, and by whom, and whether the same has been disposed of, and to whom; also whether any other person than yourself has any interest in the timber, and if so, what kind of interest.

Ans.

The land is not timber land

Ques. 12.—If the land is used for grazing purposes, state how and by whom it is so used, and whether it is within any stock range or fence or other inclosure, and who owns or controls the range or inclosure.

Ans. The land is not used for grazing nor is it within any inclosure

Ques. 13.—When did you first make an actual personal settlement on this land? State what you did to make such settlement, and the character and value of the improvements you then placed upon the land.

Ans. April 10th 1884 - Frame shack 10
x 12 value 50⁰⁰

Ques. 14.—Was the land occupied by any other person when you made such settlement? If so, state who lived there, and how you obtained possession.

Ans. yes: by one Mc Cabe who sold him the land

Ques. 15.—When did you actually move on this land and commence living permanently thereon?

Ans. Shortly after settling on the land

Ques. 16.—Where has been your actual personal residence and home during the whole time since the date of this filing or entry?

Ans. I live with my son & daughter who live on the land since Sept 1885
Ques. 17.—Has your residence on the land now claimed been actual or constructive, continuous or at intervals? Explain what you mean by actual continuous residence.

Ans. actual & continuous since Sept 1885
Have lived there all the time steady ate, slept & lived there

Ques. 18.—Have you resided or boarded elsewhere than on this land since commencing your residence thereon? If so, state when and where, how often, and for how long?

Ans. Only with my son who lives on the land - I have lived steady on the land since Sept 85

Ques. 19.—Where have you voted since establishing residence on this land, and where did you last vote, and how long have you voted there?

Ans. Piffamy Eddy Co OR I have not voted for a year. Was too feeble to go to polls

Ques. 20.—How many times have you been absent from said tract since you commenced actual residence thereon? Give the dates when each absence commenced and terminated, and the cause therefor.

Ans. I can't tell how many times I have been absent I lived with my son after I filed off & on but for 18 mos past I have lived steadily on my claim

Ques. 21.—Have you a family, and of whom does your family consist?

Ans. Myself & two boys only

Ques. 22.—Has your family resided with you on this claim? If so, state when they moved on the land, how long they have lived there, and whether they actually reside there still.

Ans. Wife dead: + boys working themselves

Ques. 23.—If your family has been absent any part of the time since moving on the land, state the causes for and the dates when each absence commenced and terminated.

Ans. Virtually I have no family now.

Ques. 24.—When and by whom was your house built? Is it habitable at all seasons of the year?

Ans. My present house in Sept 1885 yes.

3

Ques. 25.—Did you and your family live in said house during all of each or any winter since the date of your filing or entry? If not, state the duration and causes of each absence.

Ans. I have lived in my house all last winter for this winter

Ques. 26.—If your family has not lived with you on this claim since the date of your filing or entry, state the causes therefor, where they did reside, and where they are now living.

Ans. I in reality have no family as boys are working for themselves. I lived with my son off + on after filing but have lived on my own land for 18 months past since Sept 1885

Ques. 27.—Do you own any other residence house than the one now on your claim? If so, state where, and who occupies the same.

Ans. I do not.

Ques. 28.—Describe fully the house on this claim, giving value thereof; also describe fully all other improvements thereon of whatever kind, giving the value of each and total value of all improvements.

Ans. Frame house 16 + 28 feet. Shingled roof value \$150⁰⁰
doubled boarded + tar papered. 2 doors 2 windows
Log + frame barn 16 + 30 feet value \$75⁰⁰ Log milk
house 8 + 12 feet value \$25⁰⁰ 45 acres breaking
value \$150⁰⁰ 2 wells 32 + 17 feet deep stoned
up. Value \$100⁰⁰ Potatoes \$500⁰⁰

in my possession for value of my land for 18
months past since Sept 1885

Ques. 27.—Do you own any other residence house than the one now on your claim? If so, state where, and who occupies the same.

Ans. I do not.

Ques. 28.—Describe fully the house on this claim, giving value thereof; also describe fully all other improvements thereon of whatever kind, giving the value of each and total value of all improvements.

Ans. Frame house 16 + 28 feet. Shingled roof
double boarded + tar papered 2 doors 2 windows value \$150⁰⁰
Log + frame barn 16 + 30 feet. value \$75⁰⁰ Log milk
house 8 + 12 feet. value \$25⁰⁰ 45 acres breaking
value \$150⁰⁰ 2 wells 32 + 17 feet deep stoned
up. value \$100⁰⁰ Total \$500⁰⁰

Ques. 29.—What farm implements do you own and use on this claim? State kind and number, and how long you have owned the same.

Ans. 1 plow; 1 reeder; 1 binder; 1 wagon; 1 pair
shingles; 1 harrow. Acx about 2 years

Ques. 30.—What domestic animals and live stock do you own and keep on this claim? State kind and number of each kind.

Ans. 2 cows; 2 heifers; 1 steer; 2 horses
1 hog

Ques. 31.—State articles of furniture of every kind you keep and use in your residence on this claim, and how long you have had them there.

Ans. beds + bedding; table; cupboard;
S. chairs; stove. Dishis; yall kinds
knives + clothing

Ques. 32.—Have you any personal property or live stock of any kind elsewhere than on this claim? If so, describe the same, and state where the same is kept.

Ans. No I have not.

Ques. 33.—How many seasons have you raised crops on this land, and what kind of crops have you raised each season?

Ans. Three seasons ^{wheat} 1884; 20 acres ^{wheat} 1885; 45 acres ^{wheat} 1886

Ques. 34.—How many acres have you put in crops each year, and how much did you raise? State the amount in bushels of each kind.

Ans. 1884 216 bushels; 1885 400 bu.; 1886 450 bu.

Ques. 35.—Have you the land in crop this year, or is it prepared for cropping the coming season? How much of the land is so cropped or prepared?

Ans. all prepared for crop etc coming year.

Ques. 36.—Do you carry on any trade, profession, or business elsewhere than on this land? If so, state what business you have been engaged in while claiming this land, where it was carried on, and the distance from your claim.

Ans. No I do not.

Ques. 37.—If you have been employed in working for others away from this claim since you established residence thereon, state when, where, and for whom, in what occupation or capacity, how long you have so worked, and where you staid and lived during that time.

Ans. I have not been employed by any
one

Ques. 38.—Where are you assessed for taxes, personal, real estate, or license, and when and where have you paid taxes since claiming this land?

Ans. In Eddy Co., Dak

Have paid nothing but personal tax

Ques. 39.—Are the improvements on this land assessed for taxes; if so, at what valuation? Have such taxes been paid; if so, when and by whom?

Ans. No

Ques. 40.—What use is made of this land, and who, besides yourself and family, uses it or causes it to be used?

Ans. Made it my home and farmed it

Ques. 41.—Have you sold, transferred, or mortgaged this land, or offered or agreed to sell or dispose of it, and at what price?

Ans. I have not

Ques. 42.—Do you make this entry in the interest or for the benefit of any one else, or has any person other than yourself and family any interest, immediate or prospective, in this entry? If so, state for whom the entry is made.

Ans. I do not

Ques. 43.—Has any person paid your expenses for making this entry, or paid you wages or a salary on condition that you make said entry, or agreed to do either, or agreed to pay the entry money for you, or to pay the fees or commissions, with the agreement or understanding that you will deed the land after entry is made?

Ans. No.

Ques. 44.—Do you make this entry in good faith, for the exclusive purpose of a home and farm for yourself and family?

Ans. I do

Witness F. A. Debrug

his
Francis M. Cabe
witness Francis

(Signature of claimant.)

I HEREBY CERTIFY that each question in the foregoing deposition was orally propounded to the said Francis M. Cabe, and the foregoing answers severally given by him thereto before he signed the same and after being sworn according to law; that the said Francis M. Cabe is to me personally known (or satisfactorily identified by _____) as the person he represents himself to be in making this

proof; that I have called his attention to the laws and penalties against false swearing, and that the foregoing deposition was sworn to and subscribed before me this 12 day of Feb'y, A. D. 1887.

Francis A. Debrug
Judge & ex officio Clerk Probate Ct
Eddy Co. Dak