

Mountain reservation according
to the Act of Aug. 30, 1890.
Serial Certificate No. 6170

Homestead Application No. 10012

LAND OFFICE

AT

SALT LAKE CITY, UTAH,

AUG 10 1898

, 18 .

Sect. 26, Town. 12, Range 2 E

Stamp
Div. C, List No. 6

Approved Feb. 4, 1899

A J R, Clerk,

Division C

Patented Feb. 25, 1899

Recorded, Vol. 25, page 238

1-130 N+E

HOMESTEAD.

Land Office at SALT LAKE CITY, UTAH,

AUG 10 1898, 18

FINAL CERTIFICATE,
No. 6170

APPLICATION,
No. 10012

It is hereby certified That, pursuant to the provisions of Section No. 2291, Revised Statutes of the United States, Frank Erath has made payment in full for SE 1/4

Patent to contain reservation according to proviso to the Act of Aug. 30, 1890.

of Section No. 28, in Township No. 1 North, of Range No. 2 East, of the Salt Lake Principal Meridian Utah, containing 160 100 acres.

Now, therefore, be it known, That on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Frank Erath shall be entitled to a Patent for the Tract of Land above described.

Frank A. Cobble
Register.

Final Receiver's Receipt No. 6170

Application No. 10012

HOMESTEAD.

Receiver's Office ALT LAKE CITY, UTAH,

AUG 10 1898, 189

Received of Frank Erach the sum
of Twelve dollars cents,

being the balance of payment required by law for the entry of SE 1/4

of Section 28 in Township 12 of Range 2 E 4 M
containing 160 acres, under Section 2291 of the
Revised Statutes of the United States.

[Signature]

Receiver.

\$12

\$ 150 Testimony fee received. Number of written words, 665

Rate per 100 words 22 1/2 cents.

HOMESTEAD AFFIDAVIT.

Land Office at *Salt Lake City*

November the 7th, 189*2*

I, *Frank Erath*, of *Salt Lake City*

having filed my application No. *10012*, for an entry under section 2289, Revised Statutes of the United States, do solemnly swear that I am not the proprietor of more than one hundred and sixty acres

of land in any State or Territory; that I am * *a head of a Family* and have declared my intention to become a citizen of the United States of America & am over 21 yrs old

that my said application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that I am not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation or syndicate whatsoever, by which the title which I might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except myself, and further, that since August 30, 1890, I have not entered under the land laws of the United States, or filed upon, a quantity of land, agricultural in character, and not mineral, which, with the tracts now applied for, would make more than three hundred and twenty acres.

† *and that I have not heretofore made any entry under the Homestead laws*

Frank Erath

Sworn to and subscribed before me this *7th* day of *November*, 189*2*

James D. Hobbs
Registrar

* Here insert statement that affiant is a citizen of the United States, or that he has filed his declaration of intention to become such, and that he is the head of a family, or is over twenty-one years of age, as the case may be. It should be stated whether applicant is *native-born* or not, and if not, a certified copy of his certificate of naturalization, or declaration of intention, as the case may be, must be furnished. (See page 45, circular of January 1, 1889.)

† Here add an exception, if any, of land settled upon prior to August 30, 1890, giving date of settlement commenced, and describing improvements, and that the party has not heretofore made any entry under the homestead laws.

HOMESTEAD.

APPLICATION

No. 10017

Land Office at Salt Lake City

November the 4th, 1892

I, Frank Erath, of Salt Lake City

do hereby apply to enter, under Section 2289, Revised Statutes of the United States, the South East Quarter of Section 28, in Township 1 North of Range 2 East, containing 160 acres.

Frank Erath

Land Office at Salt Lake City

Nov 7, 1892

I, Frank D Hobbs, REGISTER OF THE LAND OFFICE,

do hereby certify that the above application is for Surveyed Lands of the class which the applicant is legally entitled to enter under Section 2289, Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

Frank D Hobbs

Register.

[4-007.]

No. 10012

HOMESTEAD APPLICATION.

Frank Erath
Salt Lake City, Utah,

Nov. 7th, 1892

Sect. 28, Town, 1 N, Range 2 E,

6-261.

1-130

1-130

(4-137.)

RECEIVER'S RECEIPT, No. 10012

APPLICATION, No. 10012

HOMESTEAD.

Receiver's Office, Salt Lake City, Utah,

November 7th, 1892.

Received of Frank Erath the sum
of Twenty two dollars cents;

being the amount of fee and compensation of Register and Receiver for the
entry of SE 1/4

of Section 28 in
Township 1 North of Range 2 East, under

Section No. 2290, Revised Statutes of the United States.

Wm. Sherman Jr
Receiver.

\$ 22⁰⁰

See note in red ink, which Registers and Receivers will read and EXPLAIN THOROUGHLY to person making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, but for no other purpose. If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber for legitimate purposes is a question of fact which is liable to be raised at any time. If the timber is cut and removed for any other purpose it will subject the entry to cancellation, and the person who cut it will be liable to civil suit for recovery of the value of said timber, and also to criminal prosecution under Section 2401 of the Revised Statutes.

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after fourteen months, pay for it with cash or land warrants, upon making proof of settlement and of residence and cultivation from date of filing affidavit to the time of payment.

Declaration of intention

To become a Citizen of the United States
I Frank Erath do declare on oath that it is bona fide
my intention to become a Citizen of the United States
of America and to renounce and abjure forever all allegiances
and fidelity to all and any foreign prince potentate
State and Sovereign, tyrant or emperor, and particularly to the
Emperor of Germany of whom I was subject
Sworn and subscribed to before me this 5th Day of
November 1892 Frank Erath

in and for the Territory of Utah
Joseph P. Bache Clerk of Supreme Court

I Joseph Bache Clerk of the Supreme Court in and for
the Territory of Utah, do hereby certify that the above is
a true copy of the original Declaration of intention
of Frank Erath to become a Citizen of the United States
of America remaining on record in my Office

In Testimony Whereof, I have hereunto subscribed
my name and affixed the Seal of said Court
at my Office in Salt Lake City, in said Territory
this 5th Day of Nov. A.D. 1892

SS.
J.P.B.

Joseph P. Bache Clerk

over

U. S. Land Office -
Salt Lake City, Utah. Nov. 7-1892

I hereby certify that the foregoing
is a true and correct copy of the
original declaration of intention of
Frank Erath to become a citizen of
the United States.

Frank D. Hobbs
Register

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

UNITED STATES LAND OFFICE,

Salt Lake City

November 7th 1892

J. Frank Erath

, being duly sworn according to law, deposes

and says that he is the identical *Person* who is an applicant

for Government title to the *South East Corner*

of Section 28 in Township 1 North
of Range 2 East containing 160 Acres

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office

address is

703 South & East

Frank Erath

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by _____), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before

me at my office in *Salt Lake City*, within the *Salt Lake*

land district, on this *7th* day of *November*, 1892

James A. Robb
Register

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See §1750.)

Secretary

Wm. F. Vilas,

Approved:

Commissioner.

S. M. STOCKSLAGER,

VIII.

of the claimant require the same additional evidence as prescribed under Rule and Receiver an explanation thereof, and if such delay was caused by the fault and date of certificate (if proof is otherwise sufficient) require of the Register

IX. When proof is made before any other officer than the Register or Receiver, allow a reasonable time for a prompt transmission of the papers to the district land office, and if any longer interval is shown between date of proof

VIII. When proof is made before the Register and Receiver and the final certificate does not bear the date of the proof, require of the Register and Receiver an explanation thereof, and if the delay was caused by a failure to

Rule VIII and Rule IX of the circular of February 19, 1887, approved February 21, 1887, are hereby modified to read as follows, viz:

Washington, D. C., January 2, 1889.

GENERAL LAND OFFICE,

DEPARTMENT OF THE INTERIOR.

File 6170
No B/10017
Dec 10, 1898

Register and Receiver. *[Signatures]*

the same is correct.

We, the undersigned Register and Receiver, hereby certify that the foregoing report was made after careful examination and that

CERTIFICATE

- casts suspicion on this entry? Ans. *Yes*
- 20. Have you any reliable information outside of the record which faith with the law? Ans. *Yes*
- 19. Have you any doubt of claimant's having complied in good *[Rules 8 and 9 apply only to Preemption and Commuted Homestead proof.]*
- 18. If not, did you apply Rule 9, printed below? Ans. *Yes*
(General Land Office Regulation.)
- issue within 15 days thereafter? Ans. *Yes*
- 17. If proof not taken before Register and Receiver, did certificate *[Rules 8 and 9 apply only to Preemption and Commuted Homestead proof.]*
- below? Ans. *Yes*
- 16. If not, did you apply Rule 8, Circular January 2, 1889, printed

(Register and Receiver's Report Continued.)

1/30

(4-658)

Final

PREEMPTION AND COMMUTED HOMESTEADS.

Register and Receiver's Report.

Final Entry No. *6170* District *Deer Lake*

- 1. Was proof prematurely made? Ans. *No*
(See Instructions 1.)
- 2. State No. of weekly insertions of published notice. Ans. *6*
Was notice definite as to time, place, and officer to take the proof? Ans. *Yes*
Was proof taken (a) by officer advertised? Ans. *Yes*
Was proof taken (b) on day advertised? Ans. *Yes*
Was proof taken (c) at place advertised? Ans. *Yes*
Was land properly described in published notice? Ans. *Yes*
Were names of witnesses properly published? Ans. *Yes*
(See Instructions 3.)
- 3. Was officer legally qualified to take proof? Ans. *Yes*
(See Instructions 4.)
- 4. Was all the proof taken before same officer? Ans. *Yes*
(See Circular March 30, 1886.)
- 5. Has he properly signed and attested the proof papers? Ans. *Yes*
- 6. Have you signed all necessary papers? Ans. *Yes*
- 7. Are names of claimant and witnesses properly signed to all the papers? Ans. *Yes*
- 8. Do they agree with published notice? Ans. *Yes*
- 9. Have you compared description and names in the original proof and final entry papers and found them correct? Ans. *Yes*
- 10. Are proof of publication and posting of notice correct? Ans. *Yes*
(No interlineations or erasures of published notice will be permitted. See Fernandez, 6 L. D., 379.)
- 11. Are any papers lost, not dated, not signed, or sealed, if necessary? Ans. *No*
- 12. Was any witness substituted? Ans. *No*
- 13. Are all absences fully explained? Ans. *Yes*
- 14. If claimant naturalized, are original papers furnished? Ans. *No*
If not, did officer taking proof certify a copy of original papers (not a copy of a copy)? Ans. *Yes*
- NOTE.—If right is based on military service, forward evidence of same.
- 15. If proof taken by Register and Receiver, did certificate issue same date of proof and payment? Ans. *Yes*

(Continued on back.)

CIRCULAR OF INSTRUCTIONS
TO
REGISTERS AND RECEIVERS

FOR TAKING AND PASSING ON FINAL PROOF.

RULE 1.—PREMATURE FINAL PROOF.

Reject all Final Proofs prematurely made, viz:

In Pre-emptions and Commuted Homesteads, before the expiration of 6 months from date of establishing a bona fide residence.

In Final Homesteads, before the expiration of 5 years from date of entry, except: 1. Where residence is allowed before entry, (Act June 14, 1878, Act May 14, 1880.) 2. Where credit is allowed for military or naval service. Secs. 2304-5-6 and 2291, R. S. U. S.

In Timber Cultures.—1. Before the expiration of 8 years from date of entry. 2. Before the expiration of 8 years from the date when the total number of trees, seeds, and cuttings required by law are planted.

Cir. July 12, 1887, Sec. 23.

In Timber and Stone Entries, before the expiration of 60 days publication, as required by law, (10 weekly insertions.)

20 Stat., 89, Sec. 3; Cir. '84, p. 97; 2 L. D., 709; 4 L. D., 282.

In all cases, before the expiration of the time of publication and the day fixed.

See Rule 3.

RULE 2.—LAPSED FINAL PROOF.

When final proof is taken (or offered) after lapse of statutory period, viz:

In Final Homesteads, after 7 years from date of entry.

In Timber Cultures, after 13 years from date of entry.

In Desert Entries, after 3 years from date of entry.

Require affidavit of party *making proof* of real *cause* of delay, withhold certificate, and forward all papers to this office for action.

NOTE.—In Preemption and Commuted Homesteads the above rule does not apply.

RULE 3.—PUBLISHED NOTICE OF FINAL PROOF.

The Register alone is responsible for the correctness of published notice. Act March 3, 1879.

Thirty days publication of notice (6 weekly insertions) of intention to make proof is required in—

Preëmtions, Commuted Homesteads, and Final Homesteads. Act March 3, 1879; Cir. March 20, 1883.

Timber Cultures. Cir. July 12, 1887, Sec. 23.

Desert Entries. Cir. June 28, 1887, Sec. 13.

Town-sites. Cir. July 9, 1886, Sec. 12.

Timber and Stone Entries. Sixty days, (10 weekly insertions.) Cir. July 16, 1887, Sec. 10.

The notice must contain—

(a) Correct description of land sought to be entered, and kind of entry to be made. Act March 3, 1879. (b) Correct names of witnesses and post-office address. Act March 3, 1879. (c) The *exact* day (not a holiday) when, and (d) the *exact* place *where*, proof is to be taken. (e) The officer's name and official designation who is to take proof.

c, d, e, Jacob Semer case, 6 L. D., 345; Lent case, 6 L. D., 110; Sherlock case, 6 L. D., 155.

NOTE.—*C, d, e*, must be unambiguous and not alternative, as in the Jacob Semer case (6 L. D., 345), viz: "before a Judge or Clerk of Court of Record."

NOTE 2.—All proof must be taken before the same officer: *Provided* pending cases, and those wherein notice of intention to submit proof has been published under a different practice, will not be affected by this requirement.

RULE 4.—OFFICERS AUTHORIZED TO TAKE
FINAL PROOF.

In Preëmtion and Commuted Homesteads—

Register and Receiver; Clerk of County Court; Clerk of Court of Record. 21 Stat., 169; Cir., March 30, 1886.

In Timber Culture and Desert Entries—

Register and Receiver; Judge, or Clerk of Court of Record. T. C. Cir., July 12, 1887, Sec. 24; Desert Cir., June 28, 1887, Sec. 7.

In Final Homesteads—

Register and Receiver; Judge of Court of Record; Clerk of Court of Record (only) when Judge is absent. This fact must be certified by Clerk. Act March 3, 1877.

In Timber and Stone Entries and Town-sites—

Register and Receiver alone can take the proof. T. & S. Cir., July 16, 1887, Sec. 11; Town-site Cir., July 9, 1886; R. S., 2387.

NOTE.—Judges and Notaries Public can not take Preëmtion and Commuted Homestead Proof, except Probate Judges, who are *ex officio* their own clerks, and so certify. Cir., Oct. 27, 1884; Cir., March 30, 1886; 3 L. D., 154.

Judges, Clerks, and Notaries can not take proof in Timber and Stone Entries.

Clerks can not take Final Homestead Proof unless Judge is absent, and they so certify.

RULE 5.

Registers and Receivers will approve no case, neither accept payment nor issue final certificate and receipt thereon, until the foregoing requirements are complied with. *Provided*, in exceptional cases of hardship, when non-compliance is no fault of claimant and his good faith appears, and no one protests against the entry, you will withhold certificate and receipt, and forward papers and explanatory affidavits to this office by special letter for instructions.

S. M. STOCKSLAGER,

Commissioner.

Approved:

WM. F. VILAS,

Secretary.

Jan. 1, 1889.

Proof of Publication.

Territory of Utah,)
County of Salt Lake.) ss.

[No. 3784.]
NOTICE FOR PUBLICATION.
Land Office at Salt Lake City, June 23, 1898.
Notice is hereby given that the following-named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Register and Receiver at Salt Lake City, on August 10, 1898, viz: Frank Erath, homestead entry 10,012 for the southeast quarter section 28, township 1 North, range 2 east.
He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: Walter K. Perkins, Carl E. Jensen, William Cedenlof, William E. Gibson of Salt Lake City.
FRANK D. HOBBS, Register.
E. W. Senior, Attorney.

I, Wm W Rivers

being first duly sworn, depose and say, that I am the

Chief Clerk of the Salt Lake ^{Semi} Weekly Tribune,

^{Semi} a weekly newspaper of general circulation, published ~~once~~ ^{twice}

each week, at Salt Lake City, Utah, that the notice attached

hereto and which is a part of the proof No. 3784

of Frank Erath H.E. #10012

was published in said newspaper for six consecutive weeks,

the first publication having been made on the 24th

day of June 1898, and the last on the

5th day of August 1898, that said

notice was published in the regular and entire issue of every

number of the paper during the period and times of publica-

tion, and the same was published in the newspaper proper

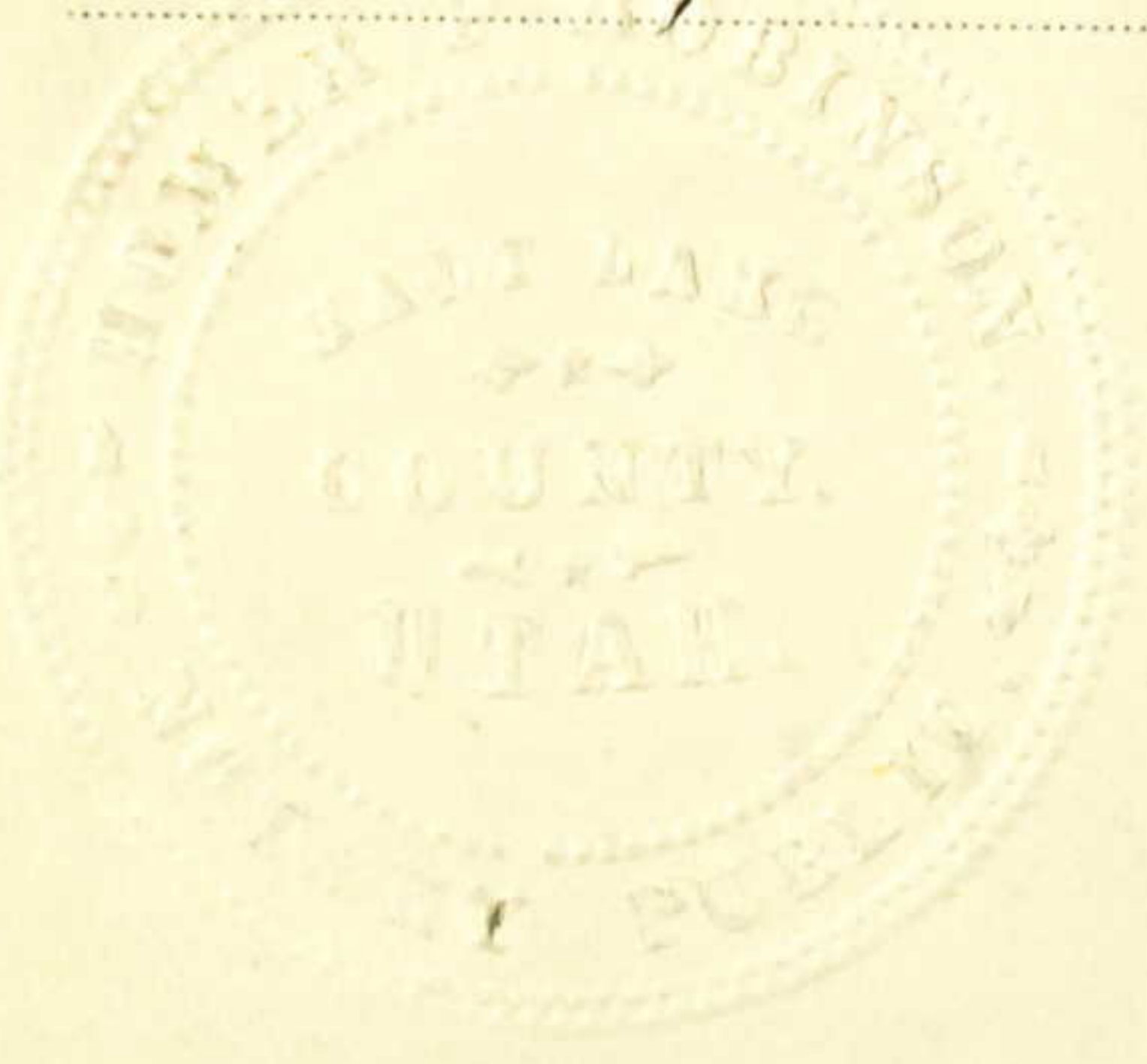
and not in a supplement

Wm W Rivers

Subscribed and sworn to before me, this 5th day of August A. D. 1898

Samuel Robinson

My Commission Expires
Sept. 19 1901.



Proof of Publication.

Salt Lake County, Utah.

Entry No......



So 3784

[4-348.]

No. 1.--HOMESTEAD.

Land Office at Salt Lake City.

June 23, 1898.

I, Frank Erath, of Emigration Canon, who made Homestead Application No. 10012 for the South East quarter of Tp. 1 North R. 2 East, Sec 25

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 Register and Receiver at Salt Lake City on August 10, 1898. by two of the following witnesses:

- Walter K. Perkins, of Salt Lake City, P. O.
- Karl E. Jensen, of Salt Lake City P. O.
- William Cederlaf, of Salt Lake City P. O.
- Wm R. Gibson, of " " "

Frank Erath

(Signature of Claimant.)

Land Office at Salt Lake City

June 23^d, 1898.

Notice of the above application will be published in the Semi Weekly Tribune printed at Salt Lake City, which I hereby designate as the newspaper published nearest the land described in said application.

Frank A. Hobbs Register.

Notice to Claimant.—Give time and place of proving up and name the 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.

(4-227.)

CERTIFICATE AS TO POSTING OF NOTICE.

Land Office at
SALT LAKE CITY, UTAH,

AUG 10 1898, 18 .

I, Frank D. Hoff, Register, do hereby

certify that a notice, a printed copy of which is hereto attached, was

by me posted in a conspicuous place in my office for a period of

thirty days, I having first posted said notice on the 23

day of June, 1898

Frank D. Hoff
Register.

Receiver's Duplicate Receipt No. 10012

Application No. 10012

HOMESTEAD.

Receiver's Office, Salt Lake City, Utah
November 7th, 1892

Received of Frank Erath the sum
of Twenty two dollars _____ cents;

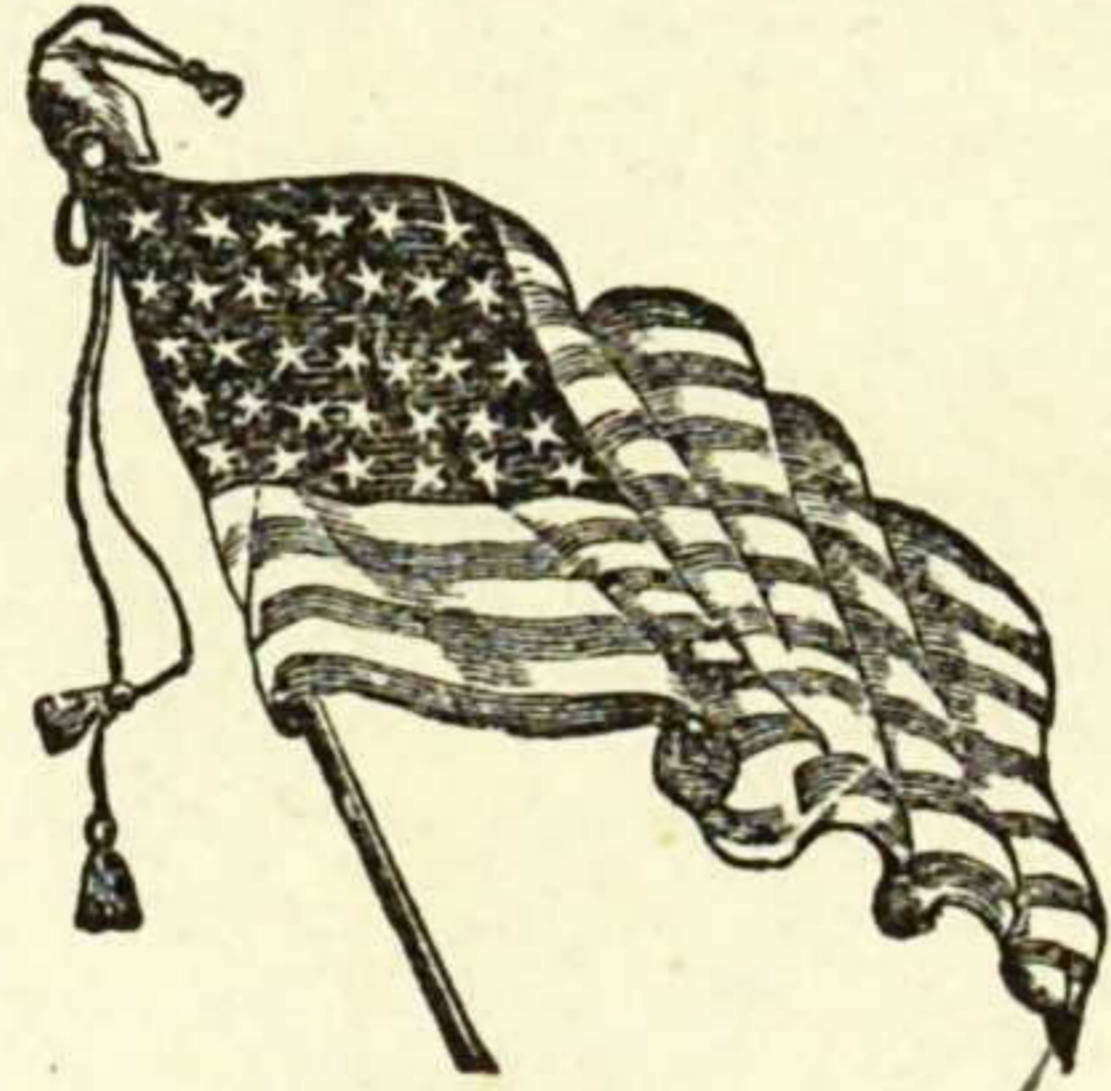
being the amount of fee and compensation of register and receiver for the
entry of SE 1/4 of Section 28 in
Township 1 North of Range 2 East, under
Section 2290, Revised Statutes of the United States.

Wm. J. Sherman
Receiver.

\$22.00

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract he can, at any time after fourteen months, pay for it with cash or land-warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

Certificate of Citizenship



UNITED STATES OF AMERICA,

STATE OF UTAH,—ss.

Be it Remembered, That on the 23rd day of June in the year of our Lord one thousand eight hundred and ninety-eight Frank T Grath late of Bergrau, in the Kingdom of Prussia at present of Salt Lake City in the State aforesaid, appeared in the Third JUDICIAL DISTRICT COURT, ~~of the United States~~, in and for the State of Utah, and applied to said Court to be admitted to become a

☸ ☸ ☸ Citizen of the United States of America, ☸ ☸ ☸

pursuant to the directions and requirements of the several acts of Congress in relation thereto.

And the said Frank Grath having thereupon produced to the Court such evidence, made such declaration and renunciation, and taken such oath as are by the said Acts required; thereupon it was ordered by the said Court that the said Frank Grath be admitted, and he was accordingly admitted by the said Court to be a CITIZEN OF THE UNITED STATES OF AMERICA.

IN TESTIMONY WHEREOF, the Seal of the said Court is hereunto affixed, this 28th day of June in the year one thousand eight hundred and ninety-eight in the year of our Independence the one hundred and Twenty-second

David C. Dunbar Clerk.
By Geo. E. Blair Deputy Clerk.

BY THE COURT.

Over

SALT LAKE CITY, UTAH,

AUG 10 1898

A true copy

James D. Robb

Reynolds

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

UNITED STATES LAND OFFICE,

Salt Lake City, Utah

August 10th, 1898.

Frank Grath, being duly sworn according to law, deposes and says that he is the identical *person* who is an applicant for Government title to the *S. 8. 14 of Section 28, Tp. 1 North of Range 2 East*

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office address is

To A. Box - News Office - Salt Lake City, Utah.

Frank Grath

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by _____), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in *Salt Lake City*, within the *Salt Lake* land district, on this *10* day of *Aug*, 1898

Frank A. Hobbs
Register

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See §1750.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Walter K. Perkins, being called as witness in support of the Homestead entry of Frank Erath for S. E. 1/4 Sec 28 T. 1. N. R. 2 E., testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Walter K. Perkins, age 43, Salt Lake City, Utah

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Mountainous and grazing land

Ques. 5.—When did claimant settle upon the homestead, and at what date did he establish actual residence thereon?

Ans. November, 1892.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Yes

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. Absent at intervals to earn a living his family resided upon and cultivated the land.

Ques. 8.—How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon?

Ans. Eight acres - four years

Ques. 9.—What improvements are on the land, and what is their value?

Ans. House - about 10 acres land cleared, irrigating ditch about 1/2 mile long - wagon road, cellar, chicken house - value \$600.00 or \$700.00

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

Ans. No

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. Not interested - Yes he has acted in good faith

(Sign plainly with full christian name.)

Walter K. Perkins

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 10 day of Aug 1898 at my office at Salt Lake City in Salt Lake County Utah

[SEE NOTE ON FOURTH PAGE.]

Walter K. Perkins
James G. Cook

(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Carl C. Jensen, being called as witness in support of the Homestead entry of Frank Terath for S.E. 1/4 Sec 28 Tp 1 N. R 2 E., testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Carl C. Jensen, ^{name erroneously printed as Carl C. Jensen} age 44, Salt Lake City - Ut.

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Grazing and mountainous land

Ques. 5.—When did claimant settle upon the homestead, and at what date did he establish actual residence thereon?

Ans. In November, 1892

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Yes

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. To make a living at different intervals
His family resided upon and cultivated land during such absence.

Ques. 8.—How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon?

Ans. Ten acres - Four seasons

Ques. 9.—What improvements are on the land, and what is their value?

Ans. Ten acres of land cleared, house, irrigating ditch
wagon road, chicken coop, cellar - Value \$700.00

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

Ans. No

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. No

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No am not interested. Yes he has acted in good faith.

(Sign plainly with full christian name.)

Carl C. Jensen

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 10 day of August, 1898, at my office at Salt Lake City in Salt Lake County, Utah

[SEE NOTE ON FOURTH PAGE.]

Frank A. Hobbs
Registrar

(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Frank Erath, being called as a witness in his own behalf in support of homestead entry, No. 10,012, for S.E. 1/4 of Sec 28. T12N R22E testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Frank Erath, age 32, Geo A Brox News office Seale & Co

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

Ans. I am a Naturalized Citizen of the U S

Ques. 3.—Are you the identical person who made homestead entry, No. 10,012, at the Seale Lake land office on the 7th day of November, 1892, and what is the true description of the land now claimed by you?

Ans. South East quarter of Section 28, 1/4 one north of Range two East S.L.M.

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

Ans. House built in May 1893, established residence in tent in later of November 1892, House contains two rooms one 12x14, and one room 8x10, Rustic frame house shingle roof 3 doors 3 windows, value \$3000.

Ques. 5.—Of whom 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. wife and two children; my family have resided with me on the land since May 1893.

Ques. 6.—For what period or periods 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?

Ans. I have been absent making a living at intervals of some times two weeks at a time, my family resided on the homestead during these times, working on 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. Have raised crops three seasons, cultivated 8 acres

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. More valuable for Dairy purposes, mountainous and grazing land

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

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

Ans. No

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 August 30, 1890.

Ans. None made

(Sign plainly with full christian name.)

Frank Erath

* (In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.)

Handwritten notes on the right margin:
Making road \$3000
one cellar stock raised \$7500
chicken coop \$7500
druggery ditto \$4000
land cleared & acc'd \$2000
total amount of improvements \$6000

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 10 day of Aug, 1898, at my office at Salt Lake City in Salt Lake County, Utah

[SEE NOTE ON FOURTH PAGE.]

Frank A. Hobbs
Register

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

Title LXX.—CRIMES.—Ch. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See § 1750.)

(4-369.)

HOMESTEAD PROOF.

LAND OFFICE AT

Original Application No.

Final Certificate No.

Approved:

Frank A. Hobbs, Register
W. L. ..., Receiver.

6-577

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION..... OF THE REVISED STATUTES OF THE UNITED STATES.

I, Frank Erath, having made a Homestead entry of the South East 1/4 Section No. 28 in Township No. 1 North of Range No. 2 East, subject to entry at Salt Lake Co. 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 over 21 years of age a naturalized citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the 7th day of November, 1892, 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

(Sign plainly with full Christian name.)

Frank Erath
I, Frank D. ... Register of Utah Land Office

do hereby certify that the above affidavit was subscribed and sworn to before me this 10 day of Aug, 1898, at my office at Salt Lake City in Salt Lake County, Utah

Frank A. Hobbs
Register