

GOVERNMENT LANDS.

Thousands Upon Thousands of Fertile Farms in Dakota Await Claimants.—The Way to Get Them Made Clear.

THE AGRICULTURAL LANDS

are divided into two classes: lying outside of railroad limits; the other at \$2.50 per acre as double minimum, lying within railroad limits. Titles are acquired by purchase at public sale, by ordinary "private entry," or by virtue of the pre-emption, homestead, timber culture and other laws. Purchases at public sale are made when lands are "offered" at public auction to the highest bidder by proclamation of the president or by order of the general land office. Lands so offered and not sold, and not since reserved or withdrawn from the market, can be secured by "private entry" or location.

But none of the lands in Northern Dakota have ever been "offered" at public sale, all having been reserved for homesteads, pre-emptions and tree claims, on account of their agricultural value, and because this system is more in accordance with the interest of the masses and not for speculators, and under the public sale system. Sioux half-breed scrip can be used to purchase any surveyed land, but very little of this scrip is now outstanding. Soldiers' additional homestead entries can also be purchased and laid upon any vacant surveyed land, thus acquiring title without residence thereon.

PRE-EMPTIONS.

Heads of families, widows or single persons (male or female) over the age of twenty-one years, citizens of the United States, or who have declared their intention to become such under the naturalization laws, may enter upon any "offered" or "un-offered" lands or any unsurveyed lands to which the Indian title is extinguished, and purchase not exceeding 160 acres under pre-emption laws. After making settlement, if on "offered" land, the applicant must file his declaratory statement with the district land office within thirty days, for which a fee of \$2.00 is required, and within one year from date of settlement make final proof of his actual residence on and cultivation of the tract, and pay therefor at \$1.25 per acre if outside of railroad limits, or \$2.50 per acre if within these limits, and he may pay in cash or by military bounty land warrants, agricultural college, private claim or supreme court scrip.

When the tract has been surveyed and is not "offered" land the claimant must file his or her declaratory statement within three months from date of settlement, and make proof and payment within thirty-three months from date of settlement is the first thing to be done under the pre-emption laws.

When settlements are made on unsurveyed lands, settlers are required to file their declaratory statements within three months after the date of the receipt at the district land office of the approved plat of the township embracing their claims, and make proof and payment within thirty months from the expiration of said three months, payment the same as in the case of "offered" land.

Pre-emptors may submit proofs of residence and improvements at any time after six months of actual residence. He must show by his own testimony and by two credible witnesses such actual residence and cultivation—a habitable dwelling and other improvements to the satisfaction of the land officers, that the spirit of the law has been complied with.

At any time before the expiration of the time allowed for proof and payment, the settler may, by making proper application at the land office, and paying the required fee, convert his claim into a homestead, and the time he has resided upon the land is credited on homestead residence if he desires.

No person who abandons his residence on his own land to reside on public land in the same state or territory or who owns 320 acres of land is entitled to the benefits of the pre-emption laws. It is held, however, that this does not apply to a house and lot in town. Claims cannot be transferred until title is perfected. The second filing of a declaratory statement by any pre-emptor, when first filing was legal in all respects, is prohibited. Before proof of any payment on pre-emption claims, written notice must be given by the claimant to the register, who must post a notice in his office and cause the same to be published in a newspaper nearest the land for at least thirty days as in case of homesteads.

HOMESTEADS.

Any person who is the head of a family or who has arrived at the age of twenty-one years, and is a citizen of the United States or has filed his declaration of intention to become such, is entitled to enter one quarter section or less quantity of unappropriated land under the homestead law. The applicant must make an affidavit that he is over the age of twenty-one or is the head of a family and that he is a citizen of the United States or has declared his intention to become such, and that the entry is made for his exclusive use and benefit and for actual settlement and cultivation, and must pay the legal fee and that part of the commission required to be paid when entry is made, as follows: When within railroad limits, for 160 acres, fee \$10, commission, \$8; for eighty acres, fee \$5, commission \$4. Outside of railroad limits, fee \$18, commission \$4, and in proportion for 80 or 40 acres. When these requirements are complied with the receiver issues his receipt in duplicate and the matter is entered upon the records of the office. After faithful observance of the law in regard to actual settlement and cultivation for the continuous term of five years, at the expiration of that term or within two years thereafter, final proof must be made, and if satisfactory to the land officers, that part of the commissions remaining unpaid (the same in amount so paid on entry) must be paid. The register then issues his certificate and makes proper returns to the general land office, as the basis for a patent.

Any settler desiring to make final proof must first file with the register a written notice of his intention, describing the land and giving the names of four witnesses by whom the facts as to settlement, continuous residence, cultivation, etc., are to be established. His notice must be accompanied by a deposit of money sufficient to pay the cost of publishing the notice which the register is required to publish for thirty days (five times) in a newspaper designated by him, or arrange with the publisher of the paper therefor. Notice is also posted in the land office for the same period. Final proof cannot be made until the expiration of five years from the date of entry, and must be made within two years thereafter. In making final proof the homestead settler may appear in person at the district land office with his witnesses, and there make the affidavit and proof required, or he may, if by reason of bodily infirmity or distance, it is inconvenient for him to appear at the land office with his witnesses, appear before the judge of a court of record of the county or state, or district and territory in which the land is situated, and there make final proof. When a homestead settler dies before he can prove up, the widow, or in case of her death, her heirs may continue

settlement and obtain title upon requisite proof at the proper time. In case of death of both parents, leaving infant children, the homestead may be sold for cash for the benefit of the children and the purchaser will receive title.

The sale of a homestead claim to another party before completion of title is not recognized. In making final proof the settler must be of legal age, of ability or school purposes, or right of way of railroad.

Homestead claims may be relinquished, but in such cases the land reverts to the government. If a settler does not wish to remain five years on his tract, he may pay for it, as under pre-emption law, in cash or warrants at any time after six months of actual residence. This proof must be made before the district officers. Homesteads are allowed six months after entry to commence improvements and establish residence.

The law allows but one homestead privilege to any one person.

Every person who served not less than ninety days in the army or navy of the United States during "the recent rebellion," who was honorably discharged and has remained loyal to the government, may enter a homestead, and the time of his service shall be deducted from the period of five years, provided that the party shall reside upon and cultivate his homestead at least one year after he commences improvements. The widow of a soldier, or, if she be dead or has married again, the minor heirs (if any) may, through their guardian, make a homestead entry, and if the soldier died in the service, the whole term of his enlistment will be credited upon the term of required residence. Soldiers and sailors as above may file a homestead declaratory statement for 160 acres of land through an agent, after which they have six months to file their homestead. This latter entry must be made in person. Thus a soldier who desires to secure a claim may do so by sending a power of attorney and certified copy of his discharge to some responsible party here, who can file for him upon the land selected. Land acquired under the homestead laws are not liable for any debt contracted prior to the issuing of the patent therefor.

TREE CLAIMS.

Under the timber culture laws not more than 160 acres on any one section entirely devoid of timber, can be entered, and no person can make more than one entry thereunder.

The qualifications of applicants are the same as under the pre-emption and homestead laws. The land office charges are for 160 acres or more than 80 acres, \$4 when entry is made and \$4 at final proof. For 80 acres or less, \$2 at entry and \$4 at final proof. The applicant must make affidavit that the land specified in his application is exclusively prairie, or other land devoid of timber; that his filing and entry is made for the cultivation of timber for his own exclusive use and benefit; that the application is made in good faith and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons that he intends to hold and cultivate the land and comply with the laws, and that he has not previously made an entry under the timber culture act.

The party making an entry of a quarter section is required to break or plow five acres covered thereby during the first year, and five acres in addition during the second year. The five acres broken or plowed during the second year he is required to cultivate by raising a crop, or otherwise, during the third year, and to plant in timber, seeds or cuttings during the fourth year. For claims of less than 160 acres the amount of land to be cultivated must be pro rata. Provision is made for extension of time in case drought or grasshoppers destroy trees. These trees he must cultivate and protect, and if at the expiration of eight years from date of entry, or at any time within five years thereafter, the entrant, or, if he be dead, his heirs, shall prove, by two credible witnesses, the planting, cultivating and protecting the timber for not less than eight years, and that there were at the end of the eight years at least 65 living, hardy trees on each of the ten acres required to be planted, he, or they, will be entitled to a patent. It should be noted that in making final proof it must be shown that "not less than twenty-seven hundred trees were planted to each acre." Fruit trees are not considered timber in regard to cultivation of an entry under this act.

It is not necessary that the ten acres should be in a compact body.

Failure to comply with any of the requirements of the law at any time after one year from date of entry renders such entry liable to contest, and upon due proof of such failure the entry will be cancelled. No land acquired under this law will in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

REMARKS.

A qualified applicant cannot take a homestead and pre-emption claim at the same time, but he may take either and a tree claim at the same time. A man may take a pre-emption and a tree claim and after proving up and obtaining title to his pre-emption, may then enter a homestead or he may commence and pay for his homestead and then take a pre-emption and thus secure 480 acres of land.

We, the undersigned, have carefully read the above epitome of the land laws and find them correct.

HORACE AUSTIN, Register.
THOS. M. PUGH, Receiver.

A. F. GROVES, M. D.

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Official Surgeon for N. P. R. R. Co. Office over Barnes Co. Bank, SANBORN, D. T.

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