

# HOMESTEAD PROOF—TESTIMONY OF CLAIMANT 59

(Copies of these documents are not suitable for printing; therefore they are being copied for your pleasure in reading.)

William H. Berg, being called as a witness in his own behalf in support of homestead entry, No 3437, for S. W. 1/4 Sec 35, Tp 21 Range 5 E. testifies as follows:

Name, age and post office address: William H. Berg; 41 years old; Pawnee, O. T. (Oklahoma Territory)  
 Are you a native-born citizen of the United States? I am a native born citizen of the U. S. I was born in state of Ohio.  
 Are you the identical person who made homestead entry, No 3437 at the Perry, O. T. land office on the 7th day of Nov 1893  
 I am the identical person who made said homestead entry.

Describe the house and other improvements which you have made. House was built in December 1893 and I established actual residence therein in Jan 1894. One three room box house, Stable and chicken house. Two wells; Fencing; Orchard; and 80 acres broke land. All of the agregate value of \$565.00. (Testimony of witness gave this: Box residence worth about \$125.00; Stable & chicken house about \$25.00; one well worth about \$50.00; orchard worth about \$200.00; fencing on place including hog lots about \$50.00; About 80 acres of broke land worth \$120.00)

Of whom does your family consist, and have you resided continuously on the land since first establishing residence?  
 Myself, wife and seven children. Myself and family have resided upon said land since establishing actual residence thereon. Myself and family have not been absent from said claim for any period of time, but have resided upon and cultivated the land.

How much of the land have you cultivated each season?  
 I have raised crops for seven seasons. About 30 acres in 1894; about 60 acres in 1895; about 70 acres in 1896, same in 1897, about 80 acres in 1890, 1899, and 1900.

What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? Answer: It is a prairie farming land of good quality. It is a black lime stone soil and is most valuable for agricultural purposes.

Are there any indications of coal, salines, or minerals of any kind on the land? Answer: No sir.

Describe by legal subdivisions, or by number, and office where made, any other entry or filing made by you since August 30, 1890. Answer: I have made no other entry. Witness: James A. Emmons

**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.

OCCGS REFERENCE ONLY

THE WILL OF DAVID BERG, 1832-1916  
In the Name of God, Amen

I, David Berg, of Mt. Erie Township in the County of Wayne and State of Illinois of the age of 78, being of sound mind and memory, do make, publish and declare this my last Will for the benefit of my wife, Mary J. Berg. I give and bequeath to the said Mary J. Berg during her natural life, the South West quarter of the North East quarter of Section Eight, Town One North Range Nine East of 3 P.M. and lots Four and Five in Crews Addition to Village of Mt Erie and Lots Twelve and Fifteen in Crews Addition and all the buildings on said lots.

The said Mary J. Berg to retain position of above Real Estate during her natural life. After the death of the said Mary J. Berg the above Real Estate shall revert to my David Berg heirs. My wish is after my death and all my funeral expenses are paid the said Mary J. Berg shall have possession of the above Real Estate during her natural life.

Witnesses: E. R. Yohe and Leonard Carson. Signed D. Berg  
Filed Oct 2, 1916. W. M. Daubs, Clerk of the County Court.

In the matter of the estate of David Berg, deceased:  
To Jas. V. Heidinger, Judge of said Court. State of Illinois  
County of Wayne. Probate Court, The June A.D. 1918 Term.

U. S. Miller being first duly sworn on his oath states that he the executer in the above mentioned estate that he has prepared what will be his final report in the said estate and shows the Court here that the following claims have been filed and allowed against the said estate: Mary Jane Berg, Balance on Award, \$611.15; Petty & Newton, \$135.75 (including interest); Young Bros. \$8.38; Dr. W. E. Wilkin, \$47.75 (inc. interest); Childress & Knedell, \$6.00 (Adj. and final settle. Notices); U. S. Miller \$80 (executer fees); W. M. Daubs \$31.43 (clerk's costs); Mills & Forth \$60.00 (attorney fees); Dr E. E. Roberts \$30.00.

Affiant further shows the court that all the personal property belonging to the said estate was taken by the widow on her award and that your executer has in his hands only \$40.00 (cash on hands at the time of the death of the deceased) in his hands. that it will require the sum of \$970.46 to pay the indebtedness and costs of the settlement of the said estate.

This affiant further states that the real estate inventoried by your executer in the said estate has been partitioned and sold in the usual partition proceedings in the Circuit Court of the said County of Wayne, State aforesaid and your executer respectfully represents that it is necessary and and that this court order the clerk of this court to issue a certificate of indebtedness or deficit to be presented to the Judge of the said Circuit Court for the purpose of having the Master in Chancery of the said Court pay to this executer the said sum required to pay the indebtedness and costs aforesaid as provided by law.  
Signed: U. S. Miller, Executer of the estate of David Berg, dec.  
Subscribed and sworn to before me this the 19th day of June, 1918.  
W. I. Daubs