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Rec. 21. May.

Public 64.

HR 125

Thirty-seventh

# Congress of the United States

At the Second Session

BEGUN AND HELD AT THE CITY OF WASHINGTON

in the District of Columbia

on Monday the 22<sup>d</sup> day of December one thousand eight hundred and sixty-one

**AN ACT** to secure homesteads to actual settlers on the public domain.

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That 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 who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has given no aid and comfort to its enemies, shall from and after the first January, eighteen hundred and sixty-three be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time his application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre, or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate, one hundred and sixty acres.

Sec. 2. And be it further enacted, That the person applying

now entitled to receive when the same quality of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued, but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: Provided that nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: And Provided, further, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: Provided, further, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

Sec. 7. And be it further enacted, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations and affidavits, required or authorized by this act.

Sec. 8. And be it further enacted, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting pre-emption rights.

Julius A. Grow

Speaker of the House of Representatives

Solomon Foot,

President of the Senate pro tempore  
Abraham Lincoln

Approved, May 20, 1862