

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Certain lands in Kansas, how to be sold.

9 May, 1872, c. 149, s. 1, v. 17, p. 90.

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emptions by counties for seats of justice.

26 May, 1824, c. 169, s. 1, v. 4, p. 50.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 March, 1873, c. 266, v. 17, p. 602.

## CHAPTER FIVE.

### HOMESTEADS.

Sec.

2289. Who may enter certain unappropriated public lands.

2290. Mode of procedure.

2291. Certificate and patent, when given and issued.

Sec.

2292. When rights inure to the benefit of infant children.

2293. Persons in military or naval service, when and before whom to make affidavit.

Sec.	Sec.
2294. When persons may make affidavit before clerk of court.	2307. Widows and minor children of persons entitled to homestead, &c.
2295. Record of applications.	2308. Actual service in the Army or Navy equivalent to residence, &c.
2296. Homestead lands not to be subject to prior debts.	2309. Who may enter by agent.
2297. When lands entered for homestead revert to Government.	2310. Chiefs, &c., of Stockbridge Muncsees, homestead rights of.
2298. Limitation of amount entered for homestead.	2311. Exemptions of homestead of Stockbridge Muncsees.
2299. Existing pre-emption rights not impaired.	2312. Stockbridge Muncsees becoming citizens.
2300. What minors may have the privileges of this chapter.	2313. Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.
2301. Payment before expiration of five years, rights of applicant.	2314. Selection for minors under preceding section.
2302. No distinction on account of race or color, &c.	2315. Bona-fide settlers on above lands prior to, &c.
2303. What lands disposed of only as homesteads.	2316. Certain lands to be patented to Indians making selection.
2304. Soldiers' and sailors' homestead.	2317. Cultivation of trees on homestead tracts.
2305. Deduction of military and naval service from time, &c.	
2306. Persons who have entered less than 160 acres, rights of.	

Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.

SEC. 2289. Every 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 has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents 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 have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Mode of procedure.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.  
20 May, 1862, c. 75, s. 2, v. 12, p. 392.  
21 March, 1864, c. 38, s. 2, v. 13, p. 35.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

When rights inure to the benefit of infant children.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

Persons in military or naval service, when and before whom to make affidavit.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

When persons may make affidavit before clerk of court.

21 March, 1864, c. 38, s. 3, v. 13, p. 35.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

Homestead lands not to be subject to prior debts.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

When lands entered for homestead revert to Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Payment before expiration of five years; rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

No distinction on account of race or color, &c.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

What lands disposed of only as homesteads.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

Soldiers' and sailors' homestead.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Deduction of military and naval service from time, &c.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Persons who have entered less than 160 acres, rights of.

8 June 1872, c. 338, s. 2, v. 17, p. 333.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c. 338, s. 3, v. 17, p. 333.

existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price 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 directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

SEC. 2303. All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlist-

ment shall be deducted from the time heretofore required to perfect the title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Exemptions of homestead of Stockbridge Munsees.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Stockbridge Munsees becoming citizens.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

Bona-fide settlers on above lands prior to, &c.

10 June, 1872, c. 424, s. 3, v. 17, p. 381.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 381.

Cultivation of trees on homestead tracts.

3 March, 1873, c. 277, s. 4, v. 17, p. 606.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2315. All actual, permanent, bona-fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the minimum or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

## CHAPTER SIX.

### MINERAL LANDS AND MINING RESOURCES.

Sec.	2318. Mineral lands reserved.	Sec.	2332. What evidence of possession, &c., to establish a right to a patent.
	2319. Mineral lands open to purchase by citizens.		2333. Proceedings for patent for placer-claim, &c.
	2320. Length of mining-claims upon veins or lodes.		2334. Surveyor-general to appoint surveyors of mining-claims, &c.
	2321. Proof of citizenship.		2335. Verification of affidavits, &c.
	2322. Locators' rights of possession and enjoyment.		2336. Where veins intersect, &c.
	2323. Owners of tunnels, rights of.		2337. Patents for non-mineral lands, &c.
	2324. Regulations made by miners.		2338. What conditions of sale may be made by local legislature.
	2325. Patents for mineral lands, how obtained.		2339. Vested rights to use of water for mining, &c., right of way for canals.
	2326. Adverse claim, proceedings on.		2340. Patents, pre-emptions, and homesteads, subject to vested and accrued water-rights.
	2327. Description of vein-claims on surveyed and unsurveyed lands.		2341. Mineral lands in which no valuable mines are discovered, open to homesteads.
	2328. Pending applications; existing rights.		2342. Mineral lands how set apart as agricultural lands.
	2329. Conformity of placer-claims to surveys, limit of.		
	2330. Subdivision of ten-acre tracts, maximum of placer locations.		
	2331. Conformity of placer-claims to surveys, limitation of claims.		