

CHAP. 55.—An act to amend the act entitled "An act to encourage the growth of timber on western prairies." March 13, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act entitled "An act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three, be, and the same is hereby, amended so as to read as follows: 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, who shall plant, protect, and keep in a healthy, growing condition for eight years, forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands of the United States, or twenty acres on any legal subdivision of eighty acres, or ten acres on any legal subdivision of forty acres, or one-fourth part of any fractional subdivision of land less than forty acres, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses: *Provided*, That not more than one-quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered which, in the aggregate, shall not exceed one quarter-section.

SEC. 2. That the person applying for the benefit of this act shall, upon application to the register of the land-district in which he or she is about to make such entry, make affidavit before the register, or the receiver, or some officer authorized to administer oaths in the district where the land is situated, who is required by law to use an official seal, that said entry is made for the cultivation of timber, and upon filing said affidavit with said register and said receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter-section under the provisions of this act shall be required to break ten acres of the land covered thereby the first year, ten acres the second year, and twenty acres the third year after date of entry, and to plant ten acres of timber the second year, ten acres the third year, and twenty acres the fourth year after date of entry. A party making an entry of eighty acres shall break and plant at the times hereinbefore prescribed, one-half of the quantity required of a party who enters a quarter-section, and a party entering forty acres shall break and plant, at the times hereinbefore prescribed, one-quarter of the quantity required of a party who enters a quarter-section, or a proportionate quantity for any smaller fractional subdivision: *Provided, however*, That no final certificate shall be given or patent issued for the land so entered until the expiration of eight years from the date of such entry; and, if at the expiration of such time, or at any time within five years thereafter, the person making such entry, or if he or she be dead, his or her heirs or legal representatives shall prove, by two credible witnesses, that he, or she, or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of timber as aforesaid, they shall receive a patent for such quarter-section or legal subdivision of eighty or forty acres of land, or for any fractional quantity of less than forty acres, as herein provided. And in case of the death of a person who has complied with the provisions of this act for the period of three years, his heirs or legal representatives shall have the option to comply with the provisions of this act, and receive at the expiration of eight years, a patent for one hundred and sixty acres, or receive without delay a patent for forty acres, relinquishing all claim to the remainder.

Amendment of 1873, ch. 277, vol. xvii, pp. 605, 606.

Heads of families, &c., planting timber on public lands to have patents, when.

Proviso.

Proceedings to obtain benefit of this act.

Fees.

Number of acres to be broken and planted annually.

Final certificate or patent not to issue until eight years from date of entry.

Proof of cultivation.

Option of heirs.

Land subject to homestead entry, &c., when cultivation abandoned. **SEC. 3.** That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall abandon the land, or fail to do the breaking and planting required by this act, or any part thereof, or shall fail to cultivate, protect, and keep in good condition such timber, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided*, That the party making claim to said land, either as a homestead settler or under this act, shall give, at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land-Office, and the rights of the parties shall be determined as in other contested cases.

Notice to original claimant.

Rights of parties how determined.

1862, ch. 75, vol. xii, p. 392.

Homestead settlers having timber under cultivation.

SEC. 4. That each and every person who, under the provisions of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, or any amendment thereto, having a homestead on said public domain, who, at any time after the end of the third year of his or her residence thereon shall, in addition to the settlement and improvements now required by law, 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 said homestead, shall, upon due proof of such fact by two credible witnesses receive his or her patent for said homestead.

Land not liable for prior debts.

SEC. 5. That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of certificate therefor.

Commissioner to make rules.

SEC. 6. That the Commissioner of the General Land-Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and the receivers of the several land-offices shall each be entitled to receive two dollars at the time of entry, and the same sum when the claim is finally established and the final certificate issued.

Fees of registers and receivers.

1857, ch. 116, § 5, vol. xi, p. 250.

Punishment for perjury.

SEC. 7. That the fifth section of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes," approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

Benefits of this act extended to entries under former act.

SEC. 8. That parties who have already made entries under the act approved March third, eighteen hundred and seventy-three, of which this is amendatory, shall be permitted to complete the same upon full compliance with the provisions of this act.

Approved, March 13, 1874.

March 16, 1874.

CHAP. 56. -An act to grant an American register to the Canadian schooner "George Warren."

American register to schooner "George Warren."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue an American register to the Canadian schooner "George Warren," owned by Benjamin F. Morton, of Detroit Michigan.

Approved, March 16, 1874.