

STATUTE I.

June 1, 1840.

Act of June 22, 1838, ch. 119.

In cases of residence on one quarter section, and cultivation of land on another.

In cases of improvements made by one person, and leased or rented to another.

Certain lands not surveyed, &c.

Persons who settled on any public land before its selection by any State for a seminary of learning.

The act of 22d June 1838, ch. 119, continued till 22d June 1842.

Right of pre-emption extended.

1838, ch. 119.

CHAP. XXXII.—*An Act supplemental to the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved June twenty-second, eighteen hundred and thirty-eight.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a settler on the public lands may reside, or have his dwelling-house upon one quarter section, and cultivate land on another and different quarter section, such settler may make his election under the act to which this is a supplement, to enter either of said quarter sections, or legal subdivisions of each, so as not to exceed one quarter section in all.

SEC. 2. *And be it further enacted,* That in all cases where an individual may have made an improvement on the public land, and had afterward leased or rented such improvement to another person, who was in possession of the same on the twenty-second of June, eighteen hundred and thirty-eight, and for the period of four months next preceding, or when the lessor and lessee, together, occupied such improvement during said four months, the person who made such improvement, and so rented or leased the same, shall be entitled to the right of pre-emption, notwithstanding he may have been out of possession of his improvement during said four months, or any part thereof.

SEC. 3. *And be it further enacted,* That every settler on the public lands, which were not surveyed at the passage of the act to which this is a supplement, and who, since the survey of such public lands has been ascertained to have resided at the date of said act, and for four months preceding, on a sixteenth section, set apart for the support of schools in any township, shall be entitled to enter at the minimum price any other quarter section of the public lands lying in the same land district, to which no other person has the right of pre-emption, on making satisfactory proof of his or her residence as aforesaid on such sixteenth section, before the register and receiver of the land office of said district.

SEC. 4. *And be it further enacted,* That every person who may have been a settler, within the meaning of the act to which this is a supplement, on any public land before its selection by any State for the purposes of a seminary of learning, under any act of Congress authorizing such selection, on satisfactory proof of the facts before the register and receiver of the district in which his improvements were situated, shall be permitted to enter at the minimum price, any other quarter section lying in the same land district, to which no other person has the right of pre-emption.

SEC. 5. *And be it further enacted,* That the "Act to grant pre-emption rights to settlers on the public lands," approved, June twenty-second, eighteen hundred and thirty-eight, be, and the same is hereby, continued in full force till the twenty-second day of June, eighteen hundred and forty-two; and the right of pre-emption, under its provisions, shall be, and hereby is, extended to all settlers on the public lands at the date of this act, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above-recited act, and with the explanatory provisions of the preceding sections of this act; and nothing in the last proviso of the act of the twenty-second of June, eighteen hundred and thirty-eight, shall be so construed as to defeat any right of pre-emption accruing under said act, or under this act, or under any preceding act of Congress, nor shall said pre-emption claims be defeated by any contingent Choctaw location.

APPROVED, JUNE 1, 1840.

(a) See notes of the acts which have been passed relative to pre-emptions of public lands; act of May 29, 1830, chap. 208.