
IN THE SENATE OF THE UNITED STATES.

FEBRUARY 9, 1866.

Read twice and referred to the Committee on Public Lands.

APRIL 13, 1866.

Reported by Mr. KIRKWOOD with an amendment, viz: Insert what is printed in *italics*.

APRIL 16, 1866.

Recommitted to the Committee on Public Lands.

APRIL 27, 1866.

Reported by Mr. KIRKWOOD with an amendment, viz: Insert what is printed in *italics*.

AN ACT

For the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That from and after the passage of this act all the public lands
4 in the States of Alabama, Mississippi, Louisiana, Arkansas,
5 and Florida shall be disposed of according to the stipula-
6 tions of the homestead law of twentieth May, eighteen
7 hundred and sixty-two, entitled "An act to secure home-
8 steads to actual settlers on the public domain," and the
9 act supplemental thereto, approved twenty-first of March,

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10 eighteen hundred and sixty-four, but with this restriction,
11 that no entry shall be made for more than a half-quarter
12 section, or eighty acres; and in lieu of the sum of ten dollars
13 required to be paid by the second section of said act, there
14 shall be paid the sum of five dollars at the time of the issue
15 of each patent; and that the public lands in said States shall
16 be disposed of in no other manner after the passage of this
17 act: *Provided*, That no distinction or discrimination shall be
18 made in the construction or execution of this act on account
19 of race or color: *And provided further*, That no mineral
20 lands *or lands mainly valuable for timber and not suitable*
21 *for cultivation* shall be liable to entry and settlement under
22 its provisions.

1 SEC. 2. *And be it further enacted, That section second*
2 *of the above-cited homestead law, entitled "An act to secure*
3 *homesteads to actual settlers on the public domain," approved*
4 *May twentieth, eighteen hundred and sixty-two, be so amended*
5 *as to read as follows: That the person applying for the*
6 *benefit of this act shall, upon application to the register of the*
7 *land office in which he or she is about to make such entry,*
8 *make affidavit before the said register or receiver that he*
9 *or she is the head of a family, or is twenty-one years or*
10 *more of age, or shall have performed service in the army*
11 *or navy of the United States, and that such application is*
12 *made for his or her exclusive use and benefit, and that*

13 *said entry is made for the purpose of actual settlement and*
14 *cultivation, and not either directly or indirectly for the use*
15 *or benefit of any other person or persons whomsoever; and*
16 *upon filing the said affidavit with the register or receiver, and*
17 *on payment of five dollars, when the entry is of not more than*
18 *eighty acres, he or she shall thereupon be permitted to enter*
19 *the amount of land specified: Provided, however, That no*
20 *certificate shall be given, or patent issued therefor, until the*
21 *expiration of five years from the date of such entry; and if,*
22 *at the expiration of such time, or at any time within two years*
23 *thereafter, the person making such entry, or, if he be dead, his*
24 *widow; or in case of her death, his heirs or devisee; or in*
25 *case of a widow making such entry, her heirs or devisee, in*
26 *case of her death, shall prove by two credible witnesses that he,*
27 *she, or they have resided upon or cultivated the same for the*
28 *term of five years immediately succeeding the time of filing the*
29 *affidavit aforesaid, and shall make affidavit that no part of*
30 *said land has been alienated, and that he will bear true allegi-*
31 *ance to the government of the United States; then, in such*
32 *case, he, she, or they, if at that time a citizen of the United*
33 *States, shall be entitled to a patent, as in other cases provided*
34 *by law: And provided further, That in case of the death of*
35 *both father and mother, leaving an infant child or children*
36 *under twenty-one years of age, the right and fee shall enure*
37 *to the benefit of said infant child or children; and the execu-*

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