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1872, April 4 - 17 Stat. 49, Act to enable Soldiers-Sailors and Heirs to Acquire Homesteads on Public Lands

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BY AUTHORITY OF CONGRESS.

THE
Statutes at Large
AND
PROCLAMATIONS
OF THE
UNITED STATES OF AMERICA,
FROM MARCH 1871 TO MARCH 1873,
AND
TREATIES AND POSTAL CONVENTIONS

Arranged in Chronological Order and carefully collated with
the Originals at Washington,

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT
ACTS ON THE SAME SUBJECT.

EDITED BY

GEORGE P. SANGER,
COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. XVII.

BOSTON:
LITTLE, BROWN, AND COMPANY.
1873.

in favor of the United States, and conveyance by John G. Woerner to the United States of a valid title to the said strip or parcel of land lying north of the said new division line, and adjoining the southeast corner of the said St. Louis marine hospital grounds, and the payment of all expenses that may be incurred in locating said new line, determining the difference in value of the two parcels of land, and the transfer herein provided for, and compliance with the other conditions herein set forth, the Secretary of the Treasury shall execute the necessary deeds for the conveyance to John G. Woerner of the parcel of land lying on the south side of said new division line, and adjoining the southwest corner of the St. Louis marine hospital grounds.

Secretary of the Treasury to execute the necessary deeds.

APPROVED, April 2, 1872.

CHAP. LXXXIII. — *An Act authorizing an American Register to the Dutch Bark "Alice Tarlton."*

April 2, 1872.

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 Dutch bark "Alice Tarlton," owned by John S. Emery and Company, of Boston, Massachusetts.

Register to issue to the bark "Alice Tarlton."

APPROVED, April 2, 1872.

CHAP. LXXXV. — *An Act to enable honorably discharged Soldiers and Sailors, their Widows and orphan Children, to acquire Homesteads on the public Lands of the United States.*

April 4, 1872.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every private soldier and officer who has served in the army of the United States during the recent rebellion for ninety days, or more, 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 entitled "An act making appropriations for completing the defences of Washington, and for other purposes," approved February thirteenth, 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 an act entitled "An act to secure homesteads to actual settlers on the public domain," and the acts amendatory thereof, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands (not mineral) 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: *Provided*, That said homestead settler shall be allowed six months after locating his homestead within which to commence his settlement and improvement: *And provided also*, That the time which the homestead settler shall have served in the army, navy, or marine corps aforesaid, 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: *Provided, however*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his said homestead for a period of at least one year after he shall commence his improvements as aforesaid.

[Amended. 1872, ch. 333. Post, p. 333. 1873, ch. 274. Post, p. 605.] Certain honorably discharged soldiers, sailors, and marines, may enter upon, &c., not over one-quarter section of certain public lands as a homestead. 1862, ch. 25, § 3. Vol. xii. p. 339. 1862, ch. 75. Vol. xii. p. 392.

Settlement, &c., may be commenced with-in, &c.

Certain time to be deducted.

Patent not to issue until, &c.

SEC. 2. That any person entitled under the provisions of the foregoing section to enter a homestead, who may have heretofore entered under the

Persons entitled under this act to a homestead, who have hereto

entered less than 160 acres as a homestead, may now make up the difference.

The widows and orphan children of those entitled to a homestead under this act, may enjoy its benefits.

Proviso.

Actual service in the army or navy to be deemed equivalent to a residence for the same time upon the tract entered as a homestead when, &c.

Provisos.

Persons entitled under this act to a homestead may make entry by an agent.

Settlements, &c., to be made in person.

Commissioner of land office to make rules.

homestead laws a quantity of land less than one hundred and sixty acres, shall be permitted to enter under the provisions of this act so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 3. That in case of the death of any person who would be entitled to a homestead under the provisions of the first section of this act, 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 act, subject to all the provisions as to settlement and improvements therein contained: *Provided*, That if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

SEC. 4. That 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 said 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: *Provided*, That if his entry has been cancelled by reason of his absence from said 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 and confirmed: *And provided further*, That if such tract has been disposed of, said party may enter another tract subject to entry under said laws; and his right to a patent therefor shall be determined by the proofs touching his residence and cultivation of the first tract, and his absence therefrom in such service.

SEC. 5. That any soldier, sailor, marine, officer, or other person coming within the provisions of this act, may, as well by an agent as in person, enter upon said homestead: *Provided*, That said claimant in person shall, within the time prescribed, commence settlements and improvements on the same, and thereafter fulfil all the requirements of this act.

SEC. 6. That the commissioner of the general land office shall have authority to make all needful rules and regulations to carry into effect the provisions of this act.

APPROVED, April 4, 1872.

April 5, 1872.
1870, ch. 265, § 32.
Vol. xvi. p. 271.

Merchandise imported at certain ports, but destined for certain other ports, how to be conveyed and under whose control.

Inspectors.

No unloading, &c., between first and last ports, unless, &c.

CHAP. LXXXVI. — *An Act to amend the thirty-second Section of an Act entitled "An Act to reduce internal Taxes, and for other Purposes," approved July fourteenth, eighteen hundred and seventy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section thirty-two of an act entitled "An act to reduce internal taxes, and for other purposes," approved July fourteenth, eighteen hundred and seventy, be, and the same is hereby, amended to read as follows: SECTION 32. *And be it further enacted*, That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles, securely fastened with locks or seals, under the exclusive control of the officers of customs; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the said Secretary, and at the expense of the said companies respectively. And such merchandise shall not be unladen or transhipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury, in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or from low water, ice, or other unavoidable obstruction to navigation; but in no case shall there be permitted any breaking of the original packages of such merchandise.

APPROVED, April 5, 1872.