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1873, March 3 - 17 Stat. 605 - Amend Homestead Act to Allow Less than 160 Acres

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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.

or cribs in front of their mill property on the banks of said river, for the protection of their mills and rafts against damage by floods and ice: *Provided however*, That the piers or cribs so constructed shall not interfere with or obstruct the navigation of said river: *Provided further*, That in case by reason of the shifting of the channel of the said river, or from any other cause, the piers or cribs, the construction of which are authorized by this act shall be found to obstruct the navigation of said river at any time, the government expressly reserves the right to remove, or direct the removal of any such piers or cribs at the cost and expense of the owners thereof.

build cribs to protect their mills and rafts.
Navigation not to be obstructed.

Right to remove cribs reserved.

APPROVED, March 3, 1873.

CHAP. CCLXXIX. — An Act to provide for the Sale of the Lands of the United States containing Coal. March 3, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land-office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Vacant coal lands of the United States, not otherwise appropriated, may be entered by whom, in what quantities, and at what price.

SECTION 2. That any person or association of persons severally qualified as above, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under the foregoing provisions, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as in section one of this act, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Persons actually in possession of coal mines opened by themselves, to have preference in making entry;

when may enter 640 acres.

SECTION 3. That all claims under section two of this act must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor: *Provided*, That when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; *And provided further*, That where the improvements shall have been made prior to the expiration of three months from the passage of this act, sixty days from the expiration of said three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this act shall be allowed until the expiration of six months from the date hereof.

Claims to be presented to register within sixty days of actual possession.
Proviso.

SECTION 4. That this act shall be held to authorize only one entry by the same person or association of persons under its provisions; and no association of persons, any member of which shall have taken the benefit of this act either as an individual or as a member of any other association shall enter or hold any other lands under the provisions of this act; and no member of any association which shall have taken the benefit of this act shall enter or hold any other lands under its provisions; and all persons claiming under section two hereof, shall be required to prove their respective rights and pay for the lands filed upon within one year from the time

Only one entry to be made by same person, &c.

Claimants under section two to pay for lands

within a year
from, &c.

In case of con-
flicting claims,
priority of pos-
session, &c., to
determine.

Where im-
provements are
already made.

Existing rights
not impaired.

prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

SECTION 5. That in case of conflicting claims upon lands where the improvements shall be hereafter commenced, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made at the date of the passage of this act, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties; and the commissioner of the general land-office shall be, and is hereby, authorized to issue all needful rules and regulations for carrying into effect the provisions of this act.

SECTION 6. That nothing in this act shall be construed to destroy or impair any rights which may have attached prior to its passage, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

APPROVED, March 3, 1873.

March 3, 1873.

CHAP. CCLXXX. — *An Act for the Relief of Howard F. Moffat.*

Howard F.
Moffat may be
appointed master
upon the retired
list of the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to nominate, and by and with the advice and consent of the Senate, to appoint, upon the retired list of the navy, with the rank of master, Howard F. Moffat, now a volunteer officer on the active list of the navy.

APPROVED, March 3, 1873.

March 3, 1873.

1866, ch. 296,
§§ 12, 13.
Vol. xiv. p. 822.
Time for filing
claims for addi-
tional bounty ex-
tended.
1872, ch. 112.
Ante, p. 54.

CCLXXXI. — *An Act to extend the Time for filing Claims for additional Bounty under the Act of July twenty-eighth, eighteen hundred and sixty-six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for filing claims for additional bounty, under the act of July twenty-eighth, eighteen hundred and sixty-six, and which expired by limitation January thirtieth, eighteen hundred and seventy-three, be, and the same is hereby, revived and extended until the thirtieth day of January, eighteen hundred and seventy-four; and that all claims for such bounties filed in the proper department after the thirtieth day of January, eighteen hundred and seventy-three, and before the passage of this act, shall be deemed to have been filed in due time, and shall be considered and decided without filing.

APPROVED, March 3, 1873.

March 3, 1873.

1868, ch. 55.
Vol. ii. p. 490.

CHAP. CCLXXXII. — *An Act to authorize and direct the Secretary of War to distribute Arms and military Equipments under the Act of April twenty-three, eighteen hundred and eight, and the Acts amendatory thereof.*

Proper quota
of arms and mil-
itary equipments
to be distributed
to certain States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to distribute to such States as did not, from the year eighteen hundred and sixty-two to the year eighteen hundred and sixty-nine, receive the same, their proper quota of arms and military equipments for each year, from eighteen hundred and sixty-two to eighteen hundred and sixty-nine, under the act of Congress approved April twenty-third, eighteen hundred and eight, and the several acts amendatory thereof: *Provided,* That in the organization and equipment of military companies and organizations with said arms, no discrimination shall be made between said companies and organizations on account of race, color, or former condition of servitude.

APPROVED, March 3, 1873.

No distinction
to be made be-
tween companies,
&c., on account
of race, color, &