

THE HOMESTEAD ACT.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled :—

That any person who is the head of a family, and a citizen of the United States, shall, from and after the passage of this act, be entitled to enter one quarter section of vacant and unappropriated public lands, or any less quantity, to be located in a body, in conformity with the legal subdivisions of the public lands, after the same shall have been surveyed, upon the following conditions :—That the person applying for the benefit of this act shall, upon application to the Register of the land office in which he or she is about to make such entry, make affidavit before the said Register or Receiver of said land office that he or she is the head of a family, and is actually settled on the quarter section proposed to be entered, and that such application is made for his or her use and benefit, or for the use and benefit of those specially mentioned in this section, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that he or she has never, at any previous time, had the benefit of this act; and upon making the affidavit as above required, and filing the same with the Register, he or she shall thereupon be permitted to enter the quantity of land already specified: Provided, however, that no final certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his child or children, or, in case a widow making such entry, her child or children, in case of her death, shall prove by two credible witnesses that he, she, or they has or have erected a dwelling-house upon said land, and continued to reside upon and cultivate the same for the term of five years, and still reside upon the same (and that neither the said land nor any part thereof has been alienated), then, in such case, he, she, or they, upon the payment of twenty-five cents per acre for the quantity entered, shall be entitled to a patent, as in other cases provided by law. And provided further, in case of the death of both father and mother, leaving a minor child or children, the right and the fee shall inure to the benefit of said minor child or children, and the guardians shall be authorised to perfect the