

the sum of two hundred and sixteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to pay the salaries, fees, allowances, and expenses aforesaid, to said pension-agents. And all acts and parts of acts inconsistent with this act are hereby repealed.

Approved, June 14, 1878.

CHAP. 189.—An act for the relief of settlers on the public lands under the pre-emption laws.

June 14, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land shall be entitled subject to all the provisions of law relating to homesteads to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws.

Homestead title; time for perfecting.

Approved, June 14, 1878.

CHAP. 190.—An act to amend an act entitled "An act to encourage the growth of timber on the Western Prairies."

June 14, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on Western Prairies'", approved March thirteenth, eighteen hundred and seventy-four, be and the same is hereby amended so as to read as follows: That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years ten acres of timber, on any quarter-section of any of the public lands of the United States, or five acres on any legal subdivision of eighty acres, or two and one half acres on any legal subdivision of forty acres or less, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance of the further conditions as provided in section two: *Provided further,* That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act.

Timber culture.

1874, ch. 55,
18 Stat., 21,
Amended.

Patents for land planted.

Limit of grant.

Oath on application for entry.

SEC 2. That the person applying for the benefits of this act shall, upon application to the register of the land-district in which he or she is about to make such entry, make affidavit, before the register or the receiver, or the clerk of some court of record, or officer authorized to administer oaths in the district where the land is situated; which affidavit shall be as follows, to wit: I, _____, having filed my application, number —, for an entry under the provisions of an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies'" approved _____ 187—, do solemnly swear (or affirm) that I am the head of a family (or over twenty-one years of age), and a citizen of the United States (or have declared my intention to become such); that the section of land specified in my said application is composed exclusively of prairie lands, or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or

- persons whomsoever; that I intend to hold and cultivate the land, and to fully comply with the provisions of this said act; and that I have not heretofore made an entry under this act, or the acts of which this is amendatory. And upon filing said affidavit with said register and said receiver and on payment of ten dollars, if the tract applied for is more than eighty acres; and five dollars if it is eighty acres or less, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter-section under the provisions of this act shall be required to break or plow five acres covered thereby the first year, five acres the second year, and to cultivate to crop or otherwise the five acres broken or plowed the first year; the third year he or she shall cultivate to crop or otherwise the five acres broken the second year, and to plant in timber, seeds, or cuttings the five acres first broken or plowed, and to cultivate and put in crop or otherwise the remaining five acres, and the fourth year to plant in timber, seeds, or cuttings the remaining five acres. All entries of less quantity than one quarter-section shall be plowed, planted, cultivated and planted to trees, tree-seeds, or cuttings, in the same manner and in the same proportion as hereinbefore provided for a quarter section. *Provided, however,* That in case such trees, seeds, or cuttings shall be destroyed by grasshoppers, or by extreme and unusual drouth, for any year or term of years, the time for planting such trees, seeds, or cuttings shall be extended one year for every such year that they are so destroyed: *Provided further,* That the person making such entry shall, before he or she shall be entitled to such extension of time, file with the register and the receiver of the proper land-office an affidavit, corroborated by two witnesses, setting forth the destruction of such trees, and that, in consequence of such destruction, he or she is compelled to ask an extension of time, in accordance with the provisions of this act: *And provided further,* That no final certificate shall be given, or patent issued, for the land so entered until the expiration of eight years from the date of such entry; and if, at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he or she or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of trees as aforesaid; that not less than twenty-seven hundred trees were planted on each acre and that at the time of making such proof that there shall be then growing at least six hundred and seventy-five living and thrifty trees to each acre, they shall receive a patent for such tract of land.
- SEC 3.** That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall fail to comply with any of the requirements of this act, then and in that event such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act. *Provided,* That the party making claim to said land, either as a homestead-settler, or under this act, shall give at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties shall be determined as in other contested cases.
- SEC 4.** That no land acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.
- SEC 5.** That the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land-offices shall each be entitled to receive two dollars at the time of entry, and the like sum when the claim is finally established and the final certificate issued.
- SEC 6.** That the fifth section of the act entitled "An act in addition
- Fees.**
- Entry.**
Number of acres to be broken and planted annually.
- Time extended in case of destruction, etc.**
- Proviso.**
- Final certificate.**
- Proof of cultivation.**
- Failure to comply with this act.**
- Proviso.**
- Land not liable for prior debts.**
- Rules by Commissioner.**
- Fees of registers and receivers.**
- False oath.**

to an act to punish crimes against the United States, and for other purposes", approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

1857, ch. 116,
11 Stat., 250.
R. S. 5392, p. 1050

SEC 7. That parties who have already made entries under the acts approved March third, eighteen hundred and seventy-three, and March thirteenth, eighteen hundred and seventy-four, of which this is amendatory shall be permitted to complete the same upon full compliance with the provisions of this act; that is, they shall, at the time of making their final proof, have had under cultivation, as required by this act, an amount of timber sufficient to make the number of acres required by this act.

Entry under former acts.
1873, ch. 277,
17 Stat., 605.
1874, ch. 55,
18 Stat., 21.

SEC 8. All acts and parts of acts in conflict with this act are hereby repealed.

Repeals.

Approved, June 14, 1878.

CHAP. 191.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes.

June 14, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to supply deficiencies in the appropriations for the service of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for former years, and for other purposes, namely:

Deficiency appropriations.

DEPARTMENT OF STATE.

FOREIGN INTERCOURSE.

For salaries of consuls-general, consuls, vice-consuls, commercial agents, and clerks, being deficiencies, as follows: For the fiscal year eighteen hundred and seventy-one, and prior years, six hundred and sixty-seven dollars and fifty-one cents; eighteen hundred and seventy-three, three hundred and thirty-three dollars and seventy-five cents; eighteen hundred and seventy-four, one thousand one hundred and fifty dollars and eighty-two cents; eighteen hundred and seventy-five, one thousand three hundred and fifty-four dollars and twenty cents.

Consular salaries.

To effect a transfer of accounts in the State Department, under appropriations for consular salaries, involving no expenditure of money from the Treasury, as follows: For the fiscal year eighteen hundred and seventy-two, one hundred and eighty-seven dollars and fifty cents; eighteen hundred and seventy-three, two thousand one hundred and forty-five dollars and sixty cents; eighteen hundred and seventy-four, one thousand three hundred and fifty-five dollars and ninety-nine cents; eighteen hundred and seventy-five, six thousand six hundred and ninety-six dollars and twenty-five cents.

To adjust the accounts of F. M. Cordeiro, United States vice-consul at Rio de Janeiro, for salary from April twenty-fifth, eighteen hundred and seventy-one, to August fifteenth, eighteen hundred and seventy-two, being a deficiency for the fiscal year eighteen hundred and seventy-two of six hundred and fifty-five dollars and six cents; and to effect a transfer of his accounts, involving no expenditure of money from the Treasury, being for eighteen hundred and seventy-one, and prior years, five hundred and forty-three dollars and ninety-six cents; for eighteen hundred and seventy-two, five thousand one hundred and fifty-seven dollars and forty-four cents; and for eighteen hundred and seventy-three, five hundred and eighty-six dollars and ninety-five cents.

F. M. Cordeiro.

For stationery, book-cases, arms of the United States, seals, presses, and flags, rent, freights, postage, and miscellaneous items, being deficiencies, as follows: For the fiscal year eighteen hundred and seventy-

Contingent expenses of consulates.