

THE HOMESTEAD LAW.

SECTION 2,289.—Every person who is the head of a family, or has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter section, or a less quantity, of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption, at one dollar and twenty-five cents per acre, or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed, in the aggregate, one hundred and sixty acres.

SEC. 2,290.—The person applying for the benefit of the preceding section shall, upon application to the Register of the Land Office in which he is about to make such entry, make affidavit before the Register or Receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the army or navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person; and, upon filing such affidavit with the Register or Receiver, on payment of five dollars, when the entry is not of more than eighty acres, or payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

SEC. 2,291.—No certificate, however, 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, or at any time within two years thereafter, the person making such entry, or if he be dead, his widow; or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon, or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they, will bear true allegiance to the government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

SEC. 2,292.—In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

SEC. 2,293.—In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the District land office which the preceding sections require, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the Register or Receiver; and upon such affidavit being filed with the

Register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2,294.—In any case in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the District Land Office, it may be lawful for him to make the affidavit required by law before the clerk of the court, for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commission, to the Register and Receiver.

SEC. 2,295.—The Register of the Land Office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 2,296.—No lands acquired under the provisions of this chapter shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

SEC. 2,297.—If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the Register of the Land Office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then, and in that event, the land so entered shall revert to the Government.

SEC. 2,298.—No person shall be permitted to acquire title to more than one quarter section, under the provisions of this chapter.

SEC. 2,299.—Nothing contained in this chapter shall be so construed as to impair, or interfere, in any manner, with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

SEC. 2,300.—No person who has served, or may hereafter serve, for a period not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

SEC. 2,301.—Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of Section 2,289, from paying the minimum price for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation, as provided by law, granting pre-emption rights.

SEC. 2,302.—No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

SEC. 2,303.—All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

SEC. 2,304.—Every private soldier and officer who has served in the army of the United States during the recent rebellion, for ninety days, 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 approved February 13, 1862, 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 this chapter, as hereinafter modified, be entitled

to enter upon and receive patents for a quantity of public lands 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; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2,305.—The time which the homestead settler has served in the army, navy, or marine corps 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 terms of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served, but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2,306.—Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead, who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2,307.—In case of the death of any person who would be entitled to a homestead under the provisions of Section twenty-three hundred and four, 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 chapter, subject to all the provisions as to settlement and improvements therein contained, but 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. 2,308.—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 such 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. And if his entry has been cancelled by reason of his absence from such tract while in the military or navy service of the United States, and such tract has not been disposed of, his entry shall be restored, but if such tract has been disposed of, the party may enter another tract subject to entry under the Homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2,309.—Every soldier, sailor, marine officer, or other person coming within the provisions of Section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement as in pre-emption cases; but such claimant, in person, shall, within the time prescribed, make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2,310.—Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawano, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

SEC. 2,311.—The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in

any manner incumbered, except upon the decree of the District Court of the United States as provided in the following section.

SEC. 2,312.—Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the District Court of the United States a declaration of his intention to become a citizen of the United States; and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of an Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors or heads of families of annuities to which they are or may be entitled.

SEC. 2,313.—The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians of Michigan, by the treaty of July 31, 1855, shall be open to homestead entry for six months from the 10th day of June, 1872, by Indians only of those tribes who have not made selections of purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land office, within such six months, of not exceeding 160 acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

SEC. 2,314.—The Collector of customs for the District in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2,315.—All actual, permanent, bona fide settlers on any of such lands, who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws, or to pay for at the minimum, or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former, or eighty acres of the latter, class of land, on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2,316.—All selections of such lands by Indians heretofore made, and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular, and not in conflict with such selections or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon, as in other cases, according to law.

SEC. 2,317.—Every person having a homestead on the public domain under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good thrifty condition, for each and every sixteen acres of such homestead, shall upon due proof of the fact by two credible witnesses receive his patent for such homestead.

A Maine girl has soft fine hair very thick and beautiful, seven feet and a half long. She never need say she has nothing to wear.

A guide book says, "The coachmen of Paris are very kind to their horses, especially when engaged by the hour."

It is said to see a man who has waded through gore to rescue his country from the grasp of the tyrant, so subdued after marriage that even the flies take advantage of him.

The Duties of United States Marshals at Elections.

ATTORNEY-GENERAL TAFT'S CIRCULAR LETTER OF INSTRUCTIONS.

The laws of the United States having made it my duty to exercise general direction over the marshals as to the manner of discharging the duties of their office, I have prepared for their use this circular letter of instructions as to the coming election, intending the same also as a reply, once for all, to the numerous applications in like connection from private citizens in the various States.

In the present condition of legislation the United States occupy a position toward voters and voting which varies according as the election is for State and other local officers only, or for members of Congress and presidential electors. In elections in which members of the House of Representatives are chosen—which by law include the elections at which the electors for President and Vice-President are appointed—the United States secures voters against whatever in general hinders or prevents them from a full exercise of the elective franchise, extending that care alike to the registration lists, the act of voting, and the personal freedom and security of the voter, as well as against violence on account of any vote he may intend to give as against any conspiracy because of any that he may already have given.

The peace of the United States, therefore, which you are to preserve and whose violation you are to suppress, protects, among others, the rights specified in the last paragraph, and any person who by force violates these rights, breaks that peace and renders it your duty to arrest him and suppress any riots incident thereto, and which threaten the privacy of registration or election, that the will of the people in such election may be ascertained and take effect, and that the offenders may be brought before the courts for punishment. The notorious events in several States which have recently occurred and which have been publicly reprobated, render it the grave duty of all marshals who have cause to apprehend any violations of the peace in connection with elections to be held upon the first Tuesday in November next to be prepared to preserve and restore such peace.

As the chief executive officer of the United States in your district, you will be held responsible for all breaches of the peace of the United States which diligence on your part might have prevented, and for the arrest and securing of the persons who may violate that peace in any of the points above enumerated. Diligence in these matters is required, and that you be and continue present, in person or by deputy, at all places of registration or election at which you have reason to suspect that the peace is threatened, and that whenever an embodiment of your posse as a *posse comitatus* is required to enforce the law, such embodiment is to be effected.

You will observe that the special deputies mentioned in Section 221, Revised Statutes, have peculiar duties assigned them—duties which otherwise do not belong to deputy marshals. Such special deputies can be appointed only in cities of 20,000 inhabitants or upwards; but the duties assigned to marshals and their deputies by section 2012 of the same statutes belong to all duly appointed deputies, whether they be general or be special within the meaning of that and the preceding sections. Deputies to discharge this latter class of duties may be appointed to any number whatever, according to the discretion of the marshal in all States in which sheriffs have similar power. Section 2030 has no practical bearing upon this point in States where no limit is imposed on the appointment of deputies by sheriffs, because in such States the laws of the United States prior to the 10th of June, 1872, left the marshals also unlimited as to the number of their deputies.

In discharging the duties above mentioned you will doubtless receive the countenance and support of all good citizens of the United States in your districts. The present instructions are intended only to counteract that partial malice, wrongheadedness or inconsideration which sometimes triumphs at critical moments over the conserva-