An Act to secure homesteads to actual settlers on the public domain.

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, or the head and oldest male member of a family, 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, and who has never borne arms against the United States government or given aid and comfort to its enemies, shall from and after the first January, eighteen hundred and sixty-three, be entitled to enter one hundred and sixty acres or a less quantity of unappropriated public lands, upon which said person may, or any person may, have filed a preemption claim, or which may at the time an application is made, be subject to preemption at one dollar and twenty-five cents per acre, or eighty acres 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 shall have been surveyed; Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land is already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Sec. 2. And be it further enacted, That the persons applying
now entitled to receive when the same quality of land is sold, with money, one half to be paid by the person making the application at the time of sale, and the other half on the issue of the certificate by the person to whom it may be issued, but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any certificate or reward. Provided that nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preemptive rights. And Provided, further, that all persons who may have filed their applications for a preemptive right prior to the passage of this act, shall be entitled to the privileges of this act.

Provided, further, That no person who has served, or may be liable to serve, for the term of not less than twenty days in the army or navy of the United States, as a 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 act on account of not having attained the age of twenty-one years.

Sec. 7. And be it further enacted, That the fifth section of the act entitled "An act in addition to an act respectfully to provide for the punishment of certain crimes against the United States and for other purposes," approved the third of March, in the year eighteen hundred and fifty-one, shall extend to all states, territories, and districts, acquire a significance by this act.

Sec. 8. And be it further enacted, That nothing in this act shall be so construed as to prevent any person who has availed himself or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land contained at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, or making proof of settlement and cultivation as provided by existing laws granting preemptive rights.

Salmon P. Chase
Speaker of the House of Representatives

Solomon Foot,
President of the Senate pro tempore

Approved, May 26, 1862

Alfred Haughton