

same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the commissioner of the bureau of refugees and freedmen.

APPROVED, June 15, 1866.

June 15, 1866. CHAP. CXXIV. — *An Act to facilitate commercial, postal, and military Communication among the several States.*

Preamble. Whereas the Constitution of the United States confers upon Congress, in express terms, the power to regulate commerce among the several States, to establish post roads, and to raise and support armies: Therefore: —

Steam railroads may carry over their road passengers and freight from one State to another and connect with roads of other States to form continuous lines.

Existing contracts and conditions not affected.

New roads not authorized without authority from State

This act may be amended, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every railroad company in the United States, whose road is operated by steam, its successors and assigns, be, and is hereby, authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination: *Provided,* That this act shall not affect any stipulation between the government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which said railroad or connection may be proposed.

SEC. 2. *And be it further enacted,* That Congress may at any time alter, amend, or repeal this act.

APPROVED, June 15, 1866.

June 18, 1866. CHAP. CXXVI — *An Act to authorize the Commissioner of Patents to pay those employed as Examiners and Assistant Examiners the Salary fixed by Law for the Duties performed by them.*

Pay of those employed as examiners and assistant examiners in the patent office.

To be taken from patent office fund, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioner of patents is hereby authorized to pay those employed in the patent office from April first, eighteen [hundred] and sixty-one, until the first day of August, eighteen hundred and sixty-five, as examiners and assistant examiners of patents, at the rates fixed by law for these respective grades; *Provided,* That the same be paid out of the patent office fund, and that the compensation thus paid shall not exceed that received by those duly enrolled as examiners and assistant examiners of patents for the same period.

APPROVED, June 18, 1866.

June 21, 1866. CHAP. CXXVII. — *An Act for the Disposal of the Public Lands for Homestead Actual Settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.*

All public lands in certain States to be disposed of only according to the provisions of the homestead law. 1862, ch. 75. Vol. xii. p. 392. 1864, ch. 38. Vol. xii. p. 35.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passage of this act all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of according to the stipulations of the homestead law of twentieth May, eighteen hundred and sixty-two, entitled "An act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved twenty-first of March, eighteen hundred and sixty-four, but with this restriction, that until the expiration of two years from and after the passage of this

act, no entry shall be made for more than a half-quarter section, or eighty acres; and in lieu of the sum of ten dollars required to be paid by the second section of said act, there shall be paid the sum of five dollars at the time of the issue of each patent; and that the public lands in said States shall be disposed of in no other manner after the passage of this act: *Provided*, That no distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *And provided further*, That no mineral lands shall be liable to entry and settlement under its provisions.

SEC. 2. *And be it further enacted*, That section second of the above-cited homestead law, entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, be so amended as to read as follows: 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 that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that such application is made for his or her exclusive use and benefit, and that said 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 or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of five dollars, when the entry is of not more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified: *Provided, however*, That no 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, 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, shall prove 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 aforesaid, and shall make affidavit that no part of said land has been alienated, and that he will bear true allegiance to the government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *And provided further*, That 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 enure to the benefit of said 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 said land for the benefit of said 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 herein specified: *Provided*, That until the first day of January, eighteen hundred and sixty-seven, any person applying for the benefit of this act shall, in addition to the oath, hereinbefore required, also make oath that he has not borne arms against the United States, or given aid and comfort to its enemies.

SEC. 3. *And be it further enacted*, That all the provisions of the said homestead law, and the act amendatory thereof, approved March twenty-first, eighteen hundred and sixty-four, so far as the same may be applicable, except so far as the same are modified by the preceding sections of this act, are applied to and made part of this act as fully as if herein enacted and set forth.

APPROVED, June 21, 1866.

No entry to be for more than 80 acres.

\$5 to be paid on issue of patent

No distinction for race or color.

Mineral lands excepted

Mode of procedure in applying for the benefit of this act.

1862, ch. 75, § 2. Vol. xii. p. 392.

Affidavit.

Payment of \$5.

No certificate to be given nor patent to issue, until after five years from entry.

Proof of residence or cultivation, &c.

Affidavit.

When rights enure to the benefit of infant children  
Executor, &c., may sell.

Title of purchaser.

Additional oath prior to January 1, 1867.

Provisions of homestead law, &c., made applicable hereto.

June 21, 1866. CHAP CXXVIII — *An Act to reimburse the State of West Virginia for Moneys expended for the United States in enrolling, equipping, and paying Military Forces in aid in suppressing the Rebellion.*

Commissioners to ascertain the amount expended by West Virginia for State forces.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That immediately after the passage of this act the President shall appoint three commissioners whose duty it shall be to ascertain the amount of moneys expended by the State of West Virginia in enrolling, supplying, equipping, subsisting, transporting, and paying such State forces as have been called into service in said State since the twentieth day of June, eighteen hundred and sixty-one, to act in concert with the United States forces in the suppression of rebellion against the United States.

Duty of commissioners.

SEC. 2. *And be it further enacted,* That the commissioners so appointed shall proceed at once to examine all the expenditures made by said State for the purposes herein named, allowing only for disbursements made and amounts assumed by the State for enrolling, equipping, subsisting, transporting, supplying, and paying such troops as were called into service by the governor, at the request of the United States department commander commanding the district in which West Virginia may at the time have been included, or by the express order, consent, or concurrence of such commander, or which may have been employed in suppressing rebellion in said State. And no allowance shall be made for any troops which did not perform actual military service in full concert and co-operation with the authorities of the United States and subject to their orders.

No allowance except for actual service

Certain amounts to be stated separately.

SEC. 3. *And be it further enacted,* That in making up said account, for the convenience of the accounting officers of the government, the commissioners shall state separately the amounts expended, respectively, for enrolling, equipping, arming, subsisting, transporting, and paying said troops, and from the aggregate amount they shall deduct the amount of direct tax due by the said State to the United States under the act entitled "An act to provide increased revenue from imports, pay interest on the public debt, and for other purposes," approved August fifth, eighteen hundred and sixty-one.

Amount of direct tax to be deducted  
1861, ch 45.  
Vol. xii p 292.

Rate of allowance for expenditures or services.

SEC. 4. *And be it further enacted,* That in the adjustment of accounts under this act the commissioners shall not allow for any expenditure or compensation for service at a rate greater than was at the time authorized by the laws of the United States in similar cases.

Commissioners to make report to Secretary of Treasury.

SEC. 5. *And be it further enacted,* That so soon as said commissioners shall have made up said account and ascertained the balance, as herein directed, they shall make written report thereof, showing the different items of expenditure, as hereinbefore stated, to the Secretary of the Treasury, who shall cause the same to be examined by the proper accounting officers of the treasury, and said officers shall audit the accounts as in ordinary cases; and if from their report it shall appear that any sum remains due to the said State, he shall draw his warrant for the same, payable to the governor of said State, and deliver it to him.

Accounts to be audited, and what is found due, if anything, to be paid

Commissioners to be sworn.

SEC. 6. *And be it further enacted,* That the commissioners to be appointed as aforesaid shall, before proceeding to the discharge of their duties, be sworn that they will carefully examine the accounts existing between the United States and the State of West Virginia, and that they will, to the best of their ability, make a just, true, and impartial statement thereof, as required by this act. They shall receive such compensation for their services as may be determined by the Secretary of the Treasury.

Compensation.

Appropriation. For mode of disbursement, see 1867, ch 10. Vol. xv. p. 6.

SEC. 7. *And be it further enacted,* That the sum of three hundred and sixty-eight thousand five hundred and forty-eight dollars and thirty-seven cents be, and the same is hereby, appropriated to carry this act into effect.

APPROVED, June 21, 1866.