

be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the state, as the legislature shall direct.

SEC. 11. *And be it further enacted*, That from and after the admission of the said state of Colorado into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said state as elsewhere within the United States, and said state shall constitute one judicial district, and be called the district of Colorado.

Laws of the United States made applicable.

Judicial district.

APPROVED, March 21, 1864.

CHAP. XXXVIII. — *An Act amendatory of the Homestead Law, and for other Purposes.*

March 21, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of any person desirous of availing himself of the benefits of the homestead act of twentieth of May, eighteen hundred and sixty-two, 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 said act of twentieth May, eighteen hundred and sixty-two, requires, 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, it shall and may be lawful for such person to make the affidavit required by said act before the officer commanding in the branch of the service in which the party may be 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 said application and affidavit are accompanied by the fee and commissions, as required by law.

Persons in military or naval service claiming benefits of homestead act, may make affidavit before whom.

1862, ch. 75.
Vol. xii. p. 392.

SEC. 2. *And be it further enacted*, That besides the ten-dollar fee exacted by the said act, the homestead applicant shall hereafter pay to the register and receiver each, as commissions, at the time of entry, one per centum upon the cash price as fixed by law, of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued as the basis of a patent.

Commissions to receivers and registers.

SEC. 3. *And be it further enacted*, That in any case hereafter 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 shall and may be lawful for him to make the affidavit required by the original statute 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 commissions, to the register and receiver.

Certain persons may make affidavit before clerk of court.

SEC. 4. *And be it further enacted*, That in lieu of the fee allowed by the twelfth section of the preëmption act of fourth September, eighteen hundred and forty-one, the register and receiver shall each be entitled to one dollar for their services in acting upon preëmption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words for the testimony which may be reduced by them to writing for claimants, in establishing preëmption or homestead rights, the regulations for giving proper effect to the provisions of this act to be prescribed by the commissioner of the general land-office.

Fees of registers and receivers in preëmption claims.

1841, ch. 16,
§ 12.
Vol. v. p. 456.

SEC. 5. *And be it further enacted*, That where a preëmptor has

Time for filing certain affidavits extended to certain preëmptors.

1841, ch. 16,
§ 13.
Vol. v. p. 456.

Additional fees and allowances to certain registers and receivers.

Proviso.

taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office, to make, before the register or receiver, the affidavits required by the thirteenth section of the preëmption act of fourth September, eighteen hundred and forty-one, the time for filing such affidavit and making final proof and entry or location, shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that the said preëmptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

SEC. 6. *And be it further enacted*, That the registers and receivers in the state of California, in the state of Oregon, and in the territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per centum of said fees and allowances as compensation for their services: *Provided*, That the salary and fees allowed any register or receiver shall not exceed in the aggregate the sum of three thousand dollars per annum.

APPROVED, March 21, 1864.

March 25, 1864.

CHAP. XL.—*An Act to provide for carrying the Mails from the United States to foreign Ports and for other Purposes.*

Vessels belonging to citizens of the United States to carry the mails.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all steamers and sailing vessels belonging to citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board and securely convey all such mails as the post-office department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

Master to make return under oath.

SEC. 2. *And be it further enacted*, That upon the entry of every steamer or sailing vessel from any foreign port, the master or commander thereof shall make return, on oath or affirmation, showing that he has promptly delivered at such foreign port or ports all mails placed on board of the steamer or vessel under his command before clearance from the United States. And in case the master or commander shall fail to make oath or affirmation as aforesaid, showing that he has delivered the mails placed on board his steamer or vessel in good faith, the said steamer or vessel shall not be entitled to the privileges of a steamer or vessel of the United States.

Penalty for failure.

Contracts for carrying mail matter by Panama or Nicaragua.

SEC. 3. *And be it further enacted*, That the Postmaster-General be, and is hereby, authorized to make contracts, to continue not exceeding four years, for the transportation of allailable matter other than letters, and of such letters as may be so directed, by the Isthmus of Panama or the Nicaragua route, or both of them: *Provided*, That the expenditure for the service shall not exceed one hundred and sixty thousand dollars per annum. And in case more than one company is engaged in rendering this service, the Postmaster-General shall determine the proportion which shall be paid to each.

Cost not to exceed, &c.

If more than one company renders the service.

Postage on mail matter between Kansas and California.

SEC. 4. *And be it further enacted*, That allailable matter which may be conveyed by mail westward beyond the western boundary of Kansas, and eastward from the eastern boundary of California shall be subject to prepaid letter postage rates: *Provided, however*, That this section shall not be held to extend to the transmission by mail of newspapers from a

Proviso.
Post, pp. 421, 422.