

CIRCULAR OF INSTRUCTIONS  
TO  
**REGISTERS AND RECEIVERS**  
For Taking and Passing on Final Proof.

**RULE 1.—PREMATURE FINAL PROOF.**

Requires all Final Proofs prematurely made, viz:

**In Pre-emption and Committed Homesteads,** before the expiration of 9 months from date of establishing a bona fide residence.

**In Final Homesteads,** before the expiration of 3 years from date of entry, except: 1. When residence is allowed before entry (Act June 14, 1878, Act May 14, 1880). 2. Where credit is allowed for military or naval service. Secs. 2204-5-6 and 2207, R. S. U. S.

**In Timber Cultures.**—1. Before the expiration of 8 years from date of entry. 2. Before the expiration of 8 years from the date when the total number of trees, seeds, and cuttings required by law are planted.

**In Timber and Stone Entries,** before the expiration of 40 days publication, as required by law (10 weekly insertions). 20 Stat., 85, Sec. 2; Cir. 94, p. 97; 2 L. D., 709; 4 L. D., 285.

**In Town-sites,** before the expiration of the time of publication day fixed. Article 3.

**RULE 2.—LAPSED FINAL PROOF.**

When final proof is taken (or offered) after lapse of statutory period, viz:

**In Final Homesteads,** after 7 years from date of entry.  
**In Timber Cultures,** after 13 years from date of entry.  
**In Desert Entries,** after 3 years from date of entry.

Requires affidavit of party seeking proof of real cause of delay, with oath certificate, and forward all papers to this office for action.

Note.—In Pre-emption and Committed Homesteads the above rule does not apply.

**RULE 3.—PUBLISHED NOTICE OF FINAL PROOF.**

The Register alone is responsible for the correctness of published notice. Act of March 3, 1878.

Thirty days publication of notice (8 weekly insertions), of intention to make proof is required in—

**Pre-emption, Committed Homesteads, and Final Homesteads.** Act March 3, 1878; Cir. March 20, 1885.  
**Timber Cultures.** Cir. July 12, 1887, Sec. 23.  
**Desert Entries.** Cir. June 28, 1887, Sec. 13.  
**Town-sites.** Cir. July 9, 1886, Sec. 12.

**Timber and Stone Entries.** Sixty days (10 weekly insertions). Cir. July 18, 1887, Sec. 10.

The notice must contain—  
(a) Correct description of land sought to be entered, and kind of entry to be made. Act March 3, 1878. (b) Correct names of witnesses and post-office address. Act March 3, 1878. (c) The exact day (not a holiday) when, and (d) the exact place where proof is to be taken. (e) The officer's name and official designation who is to take proof.  
v. S. v. Jacob Sauer case, 6 L. D., 345; Leach case, 6 L. D., 110; Sherlock case, 3 L. D., 355.

Note.—C. A., need be investigated and not otherwise, as in the Jacob Sauer case 3 L. D., 305, 306. "In case of Judge or Clerk of a Court of Record."

Note 2.—All proof must be taken before the same officer. Personal proof cases, and those wherein notice of intention to make proof has been published under a different name, will not be affected by this requirement.

**RULE 4.—OFFICERS AUTHORIZED TO TAKE FINAL PROOF.**

**In Pre-emption and Committed Homesteads—**  
Register and Receiver; Clerk of County Court; Clerk of Court of Record. 21 Stat., 140; Cir., March 30, 1888.

**In Timber Culture and Desert Entries—**  
Register and Receiver; Judge, or Clerk of Court of Record. T. C. Cir., July 12, 1887, Sec. 24; Desert Cir., June 28, 1887, Sec. 7.

**In Final Homesteads—**  
Register and Receiver; Judge of Court of Record; Clerk of Court of Record (only) when Judge is absent. This fact must be certified by Clerk. Act March 3, 1878.

**In Timber and Stone Entries and Town-sites**  
Register and Receiver alone can take the proof. T. & S. Cir., July 10, 1887, Sec. 11; Town-site Cir., July 9, 1886, R. S., 2382.

Note.—Judge and Notary Public can not take Pre-emption and Committed Homestead Proof, except Probate Judges, who are regular their own clerks, and receivers. Cir., Oct. 27, 1884; Cir., March 30, 1888; 5 S. R., 154.  
Judges, Clerks, and Notaries can not take proof in Timber and Stone Entries. Clerks can not take Final Homestead Proof unless Judge is absent, and they are regular.

**RULE 5.**

Registers and Receivers will approve no case, neither accept payments nor issue final certificate and receipt thereon, until the foregoing requirements are complied with. Provided, in exceptional cases of hardship, when non-compliance is no fault of claimant and his good faith appears, and no one protests against the entry, you will withhold certificate and receipt, and forward papers and explanatory affidavits to this office by special letter for instructions.

S. M. STOCKELAGER,  
Commissioner.

Approved:  
Wm. F. VILAS,  
Secretary.  
Jan. 1, 1890. 4-48. 1878-18 9.