

authority of the United States, the authorities of said States, where the same has not been already done, shall notify the officer, as the Secretary of the Interior may designate, of the land office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said officers, as the Secretary may designate, of the several land offices, after investigation and decision, shall, under the instruction of the Secretary of the Interior, or such officer as he may designate, forward all such selections to the Bureau of Land Management, and the Secretary or such officer shall certify the same over to the State in the usual manner.

When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said 23d of July, 1866, when marked off and designated in the field, shall have the same force and effect as the preemption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon filing with the officer as the Secretary of the Interior may designate of the proper United States land office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as was allowed preemptors under existing laws, and if found in accordance with the law the land embraced therein shall be certified over to the State by the Secretary of the Interior or such officer as he may designate.

(R.S. §§ 2485-2487; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### CODIFICATION

R.S. § 2485 derived from acts July 23, 1866, ch. 219, § 1, 14 Stat. 218; Mar. 3, 1875, ch. 139, § 7, 18 Stat. 475. R.S. §§ 2486, 2487 are from act July 23, 1866, ch. 219, § 23, 14 Stat. 219.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In second par., "register of the land office," changed to "officer, as the Secretary of the Interior may designate, of the land office,"; "registers of the several land offices," changed to "officers, as the Secretary may designate, of the several land offices,"; first reference to "Commissioner of the General Land Office" changed to "Secretary of the Interior, or such officer as he may designate,"; "Bureau of Land Management" substituted for "General Land Office"; and second reference to "Commissioner of the General Land Office" changed to "Secretary or such officer", on authority of section 403 of Reorg. Plan No. 3 of 1946. In third par., "register" changed to "officer as the Secretary of the Interior may designate", and "Commissioner of the General Land Office" changed to "Secretary of the In-

terior or such officer as he may designate", on authority of that plan. See note set out under section 1 of this title.

#### § 866. Exchange of cut over land in Montana

Tracts of timbered lands prior to February 14, 1923, granted to the State of Montana for educational purposes, from which the timber has been cut or removed pursuant to State laws, may, under such rules and regulations as the legislature of said State shall prescribe, be exchanged for other lands of like character and approximately of equal value, in private ownership, which exchanged land shall be subject to the same requirements and limitations to the end that the State may acquire holdings in reasonably compact form and reforestation be undertaken in an economic manner, anything in the enabling act of said State to the contrary notwithstanding.

(Feb. 14, 1923, ch. 74, 42 Stat. 1245.)

#### REFERENCES IN TEXT

The enabling act of Montana, referred to in text, is act Feb. 22, 1889, ch. 180, 25 Stat. 676. For complete classification of this Act to the Code, see Tables.

#### § 867. Omitted

#### CODIFICATION

Section, R.S. § 2377; act June 20, 1874, ch. 330, 18 Stat. 111, related to extension of obsolete section 829 of this title to reissue of agricultural land scrip, canceled, or destroyed without the fault of the owner thereof.

#### § 868. Representation of Indian claimants in suits to determine right to school lands

In any suit instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian Reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney General upon the request of such Secretary.

(Mar. 2, 1901, ch. 808, 31 Stat. 950.)

#### § 869. Disposal of lands for public or recreational purposes

##### (a) Application; conditions; classification; restoration if not applied for

The Secretary of the Interior upon application filed by a duly qualified applicant under section 869-1 of this title may, in the manner prescribed by sections 869 to 869-4 of this title, dispose of any public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating