

of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July 1866, under the authority of the United States.

The Supervisor of Surveys shall under the direction of the Commissioner of the General Land Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the commissioner shall direct the Supervisor of Surveys to make segregation surveys, upon application by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September 28, 1850, and the right to the same shall be determined by testimony, to be taken before the Supervisor of Surveys, who shall decide the same, subject to the approval of the Commissioner of the General Land Office.

(R.S. § 2488; Mar. 3, 1925, ch. 462, 43 Stat. 1144.)

CODIFICATION

R.S. § 2488 derived from act July 23, 1866, ch. 219, § 4, 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.

Offices of Commissioner of General Land Office and Supervisor of Surveys, and General Land Office abolished by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. Functions of Commissioner and Supervisor transferred to Secretary of the Interior or those officers as he may designate, and functions of General Land Office transferred by Bureau of Land Management, by that plan. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 988. Act extended to Minnesota and Oregon

The provisions of sections 982 to 984 of this title are extended to the States of Minnesota

and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said sections—and the selections to be made from lands already surveyed in each of the States last named, under the authority of said sections, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.

(R.S. § 2490.)

CODIFICATION

R.S. § 2490 derived from act Mar. 12, 1860, ch. 5, §§ 1, 2, 12 Stat. 3.

§ 989. Homestead entries by purchasers from Missouri of lands declared not to be swamp lands

In all cases in the State of Missouri where lands have, prior to February 23, 1875, been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any Act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of \$100; said settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands; and it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of this section: *Provided*, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the preemption or homestead laws prior to February 23, 1875.

(Feb. 23, 1875, ch. 99, 18 Stat. 334; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097.)

§ 990. Grant to Missouri

All lands in the State of Missouri selected as swamp and overflowed lands, and regularly reported as such to the General Land Office, and on March 3, 1877, withheld from market as such, so far as the same remain vacant and unappropriated and not interfered with by any preemption, homestead, or other claim under any law of the United States, and the claim whereto has not been on said date rejected by the Commissioner of the General Land Office, or other competent authority, are confirmed to said State, and all title thereto vested in said State: and it is made the duty of the Secretary of the Interior to cause patents to issue for the same.

(Mar. 3, 1877, ch. 116, 19 Stat. 395.)

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.

General Land Office and office of its Commissioner abolished by Reorg. Plan No. 3 of 1946, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, which transferred functions of former to Bureau of Land Management, and transferred functions of latter to Secretary of the Interior or that officer as he may designate. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 991. Title of purchasers of unconfirmed lands in Arkansas confirmed

The title of all persons who had, on April 29, 1898, purchased from the State of Arkansas any unconfirmed swamp land and held deeds for the same, is confirmed and made valid as against any claim or right of the United States, and without the payment by said persons, their heirs or assigns, of any sum whatever to the United States or to the State or Arkansas.

The State of Arkansas does hereby relinquish and quitclaim to the United States all lands prior to April 29, 1898, confirmed, certified, or patented to the State which have been entered under the public land laws; and does cede, relinquish, and quitclaim to the United States all right, title, and interest under the Acts of September 28, 1850, March 2, 1855, and March 3, 1857, in and to all lands in the State which have been heretofore granted, confirmed, certified, or patented by the United States under any other Acts, and the title to such lands is confirmed in the grantees, their heirs, successors, or assigns, anything in this section or any other Act to the contrary notwithstanding: *Provided*, That this section shall be of no force or effect until the State of Arkansas shall have accepted and approved the conditions, limitations, and provisions herein contained by an act of the general assembly or by an instrument in writing duly executed by the governor under the authority conferred upon him by the legislature of said State, and filed with the Secretary of the Treasury and the Secretary of the Interior within one year from April 29, 1898: *Provided further*, That whereas the General Assembly of the State of Arkansas did, on the 10th day of March, 1897, accept and approve the conditions, limitations, and provisions herein contained before April 29, 1898, making the same effective and conclusive, therefore this section shall be in full force and effect from and after April 29, 1898.

(Apr. 29, 1898, ch. 229, §§3, 4, 30 Stat. 368.)

REFERENCES IN TEXT

Act of September 28, 1850, referred to in text, is act Sept. 28, 1850, ch. 84, 9 Stat. 519, which is not classified to the Code.

Act of March 2, 1855, referred to in text, is act Mar. 2, 1855, ch. 147, 10 Stat. 634, which is not classified to the Code.

Act of March 3, 1857, referred to in text, is act Mar. 3, 1857, ch. 117, 11 Stat. 251, which is not classified to the Code.

§ 992. Sale of erroneously designated water-covered areas in Arkansas

The Secretary of the Interior, in his judgment and discretion, is authorized to sell, in the manner hereinafter provided in this section, any of those public lands situated in the State of Arkansas which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Any citizen of the United States who in good faith under color of title or claiming as a riparian owner, prior to September 21, 1922, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from September 21, 1922, if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant.

Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising hereunder.

(Sept. 21, 1922, ch. 362, §§1-5, 42 Stat. 992; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)