

**Executive Documents**

## EXECUTIVE ORDER NO. 11107

Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, which authorized the Secretary of the Interior to operate the Alaska Railroad and, subject to authority of the Interstate Commerce Commission, establish rates, was superseded by Ex. Ord. No. 12434, July 19, 1983, 48 F.R. 33229, formerly set out below.

## EXECUTIVE ORDER NO. 12434

Ex. Ord. No. 12434, July 19, 1983, 48 F.R. 33229, related to the authority of the Secretary of Transportation to operate and administer the Alaska Railroad and to determine procedures for establishing rates for the Alaska Railroad, and to the authority of the Secretary of Transportation and Interstate Commerce Commission with respect to such rates. The Alaska Railroad was transferred to the State of Alaska on Jan. 5, 1985, and the State of Alaska has established the Alaska Railroad Corporation to manage and operate the Alaska Railroad.

**CHAPTER 23—GRANTS OF SWAMP AND OVERFLOWED LANDS**

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**§ 981. Indemnity to States on sale of lands**

Upon proof by the authorized agent of the State, before the Secretary of the Interior or such officer as he may designate, that any of the lands purchased by any person from the United States, prior to March 2, 1855, were "swamp lands", within the true intent and meaning of the Act entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits", approved September 28, 1850, the purchase money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at \$1.25 per acre, or less, and patents shall issue therefor. The decision of the Secretary or such officer shall be first approved by the Secretary of the Interior.

(R.S. § 2482; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

**Editorial Notes**

## REFERENCES IN TEXT

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

## CODIFICATION

R.S. § 2482 derived from act Mar. 2, 1855, ch. 147, § 2, 10 Stat. 634, 635.

**Executive Documents**

## 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.

"Secretary of the Interior or such officer as he may designate" substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished General Land Office and Commissioner thereof and transferred functions of General Land Office to a new agency in Department of the Interior to be known as Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

**§ 982. Grant to States to aid in construction of levees and drains**

To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September, A.D. 1850, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however,* That said grant of swamp and overflowed lands, as to the States of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified in this chapter, as applicable to said three last-named States respectively.

(R.S. § 2479.)

**Editorial Notes**

## CODIFICATION

R.S. § 2479 derived from acts Sept. 28, 1850, ch. 84, §§ 1, 4, 9 Stat. 520; Mar. 12, 1860, ch. 5, § 1, 12 Stat. 3; Feb. 19, 1874, ch. 30, 18 Stat. 16.

**Statutory Notes and Related Subsidiaries**

## GRANTS NOT TO EXTEND TO ALASKA

Land grant under Alaska Statehood provisions in lieu of grant of land under this section (declared not to extend to Alaska), see section 6(l) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

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## ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

### § 983. Lists and plats of lands, for governors of States

It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

(R.S. §2480.)

#### Editorial Notes

##### CODIFICATION

R.S. §2480 derived from act Sept. 28, 1850, ch. 84, §2, 9 Stat. 519.

### § 984. Legal subdivisions mostly wet and unfit for cultivation

In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

(R.S. §2481.)

#### Editorial Notes

##### CODIFICATION

R.S. §2481 derived from act Sept. 28, 1850, ch. 84, §3, 9 Stat. 519.

### § 985. Omitted

#### Editorial Notes

##### CODIFICATION

Section, R.S. §2483, authorized the issuance of patents to purchasers or locators who have made entries on public lands claimed as swamp lands.

### § 986. Selection of lands confirmed

All land selected and reported to the General Land Office as swamp and overflowed land by the several States entitled to the provisions of said Act of September 28, 1850, prior to March 3, A.D. 1857, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

(R.S. §2484.)

#### Editorial Notes

##### CODIFICATION

R.S. §2484 derived from act Mar. 3, 1857, ch. 117, 11 Stat. 251.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain 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 Commissioner of 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 former transferred to Bureau of Land Management, and functions of latter transferred to Secretary of the Interior or that officer as he may designate, by that Plan. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

### § 987. Lands to be certified to State within one year

It shall be the duty of the Commissioner of the General Land Office, to certify over to the State 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.)

#### Editorial Notes

##### CODIFICATION

R.S. §2488 derived from act July 23, 1866, ch. 219, §4, 14 Stat. 219.

#### Statutory Notes and Related Subsidiaries

##### ABOLITION OF OFFICE OF SURVEYOR GENERAL AND TRANSFER OF FUNCTIONS

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in