
CHAPTER CLI.

AN ACT

To provide for the Sale of the Swamp and Overflowed Lands belonging to this State.

[Approved April 28, 1855.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The swamp and overflowed lands belonging to this Sale of lands. State shall be sold at the rate of one dollar per acre, in manner prescribed by this Act.

SEC. 2. Any person or persons wishing to purchase lands under Persons wishing to purchase. the provisions of this Act, shall cause the tract or tracts of land sought to be purchased to be surveyed by the County Surveyor of the county in which such lands may be situated.

SEC. 3. It shall be the duty of said County Surveyor to make Duty of County Surveyor. out a plat and field notes of every survey made by him under the provisions of this Act, and keep the same on file in his office, and forward a certified copy of the same to the Surveyor General of this State, within ninety days after such survey or surveys may be completed, and shall also deliver a certified copy of said plat and field notes of such survey or surveys to the person or persons for whom such survey or surveys may be made. And it shall be the duty of such

- Survey to be recorded.** person or persons to cause the same to be recorded in the office of the County Recorder of such county, within thirty days from the time such survey or surveys may be completed, and it shall be the duty of the Surveyor General to transmit a copy of such plat and field notes to the office of the Secretary of State of this State.
- Surveyor General's duty.**
- Price of lands.** SEC. 4. The purchaser or purchasers of lands under the provisions of this Act, shall at the time or previous to the filing of such plat and field notes for record, as aforesaid, pay to the County Treasurer of such county the sum of one dollar per acre for all the
- How paid.** $\frac{1}{2}$ lands contained in such survey or surveys, which may be paid either in money, Controller's warrants or any other evidence of indebtedness of this State originating out of the ordinary expenses of the State Government, and take said Treasurer's receipt for the same, and have such receipt recorded in the office of the County Recorder, at the time of recording said plat and field notes, as aforesaid.
- Credit.** SEC. 5. Any person or persons wishing to purchase lands under the provisions of this Act, may, if preferred by such purchaser or purchasers, have a credit of five years to pay for the same, by paying interest at the rate of ten per cent. per annum upon the purchase money, the interest, in all cases, to be paid one year in advance, which interest, as well as principal, may be paid in the same manner as provided by the fourth section of this Act.
- Interest—when and how paid.**
- Forfeiture.** SEC. 6. If any person or persons purchasing lands, upon a credit of five years, as provided in section five of this Act, shall fail or neglect to pay the principal and interest within the said term of five years from the date of the certificate of purchase, or shall fail or neglect to pay the interest as required by this Act, for the space of one year from the time such interest may become due, or shall fail or neglect to reclaim at least one half of the land so purchased, within the said term of five years, such neglect or failure shall work a forfeiture of such lands, and the same shall be re-sold, as if no purchase had been made.
- Resold.**
- County Treasurer to pay.** SEC. 7. It shall be the duty of the County Treasurer of each county to pay over to the Treasurer of this State, at the same times and in the same manner as other State revenues, all moneys received by him under the provisions of this Act, and shall, at the same time, transmit to the State Treasurer a certificate showing the name of the purchaser or purchasers, the amount of land purchased, and that the same was paid, as principal or interest, (as the case may be.)
- Duties of State Treasurer and Secretary of State.** SEC. 8. It shall be the duty of the State Treasurer, upon the receipt of the purchase money, or interest upon the same, according to the provisions of this Act, to certify the same to the Secretary of State, whose duty it shall be to issue a certificate of purchase to such purchaser or purchasers, specifying, in a brief manner, the terms of the purchase.
- Time of Interest.** SEC. 9. The time of calculating interest shall, in all cases, commence from the date of the certificate of purchase.
- Purchaser limited.** SEC. 10. No person shall become the purchaser, from the State, of more than three hundred and twenty acres of land, under the provisions of this Act.
- Lands exempted.** SEC. 11. No person shall become the purchaser, from the State, of any lands situated within ten miles of the city of San Francisco or San Diego, nor within five miles of the cities of Sacramento, Marysville, or Oakland, nor within one mile of any other incorporated city

or town in this State, nor within one mile of the Sacramento river, from the mouth of said river to the mouth of Feather river. The land situated within ten miles of the city of San Francisco or San Diego, within five miles of the cities of Sacramento, Marysville and Oakland, and within one mile of any other incorporated city or town, and within one mile of the Sacramento river, from the mouth of said river to the mouth of Feather river, shall be and they are hereby excluded from the provisions of this Act.

SEC. 12. All surveys made under the provisions of this Act shall be according to instructions from the Surveyor General of this State, which instructions shall be, as near as practicable, in accordance with the surveys of the public lands of the General Government. Instructions.

SEC. 13. Previous to the survey of such lands, the purchaser shall file an affidavit in the Recorder's office, that he or she is not knowing to any other legal claim of any description to said land. Affidavit of purchaser.

SEC. 14. In all cases where full payments have been made by the purchaser or purchasers of lands, under the provisions of this Act, the Secretary of State shall certify the same to the Governor, whose duty it shall be to issue a patent to the person or persons purchasing the same. Patent.

SEC. 15. For the issue of such patent the purchaser shall pay a fee of one dollar, which shall go to the Library Fund. Fee.

SEC. 16. Any person or persons having or holding a settler's claim, under the laws of this State for the protection of settlers, upon the swamp and overflowed lands belonging to this State, shall be and is hereby protected in his, her or their claim to the same, including all improvements thereon; *provided*, that he, she or they shall, within six months after the taking effect of this Act, comply with all the requirements of other purchasers under the provisions of this Act; *provided, further*, that no person or persons settling upon any of the swamp or overflowed lands described in this Act, shall acquire any right or title, by reason of such settlement, upon any of the lands excepted from the provisions of this Act. Protection of settlers. Proviso.

SEC. 17. All expenses attending the survey and purchase of lands, under the provisions of this Act, shall be paid by the purchaser or purchasers of the same, as far as the same applies to the county officers of the county in which such lands may be situated. Expenses.

SEC. 18. The provisions of this Act shall apply only to lands granted to this State by Act of Congress, passed September 28th, 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim Swamp Lands within their limits;" and the provisions of this Act shall not apply to, nor in any manner affect any lands belonging to this State by virtue of its sovereignty, below the line of ordinary high tide water, on the sea shore and the shores of the harbors on the coast of this State. Lands applied to.

SEC. 19. This Act to take effect and be in force from and after the first day of June next. Take effect.