October 26, 1850.

Genl. Land Office,

By the act of Congress entitled "An act to enable the State of Arkansas and other States, to reclaim the 'Swamp lands' within their limits," approved September 28, 1859, it is directed "That to enable the State of Arkansas, to construct the necessary drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made thereby unit for cultivation, which shall remain unasked at the passage of this act shall be the same as hereby granted to said States."

By the 4th section of this act, it is directed, that the provisions of it shall be extended to, and their benefits conferred upon each of the other States of the Union, in which such swamp and overflowed lands may be found.

2d. And "that in making out a list and plat of the lands aforesaid, all legal subdivisions, the greater part of which is not subject to overflow or cultivation, shall be included in said list and plat; but where the greater part of a subdivision is not of that character, the whole of it shall be so included; therefrom.

An act to declare that the several States, whose lands from being swamp or overflowed lands, are subject to overflow, are subject to cultivation. In this class is included all lands which, though dry at the beginning of the year, are subject to inundation at the planting, growing or harvesting season, so as to destroy the crop, and therefore are subject to cultivation taking the average of the seasons, for a reasonable number of years as the rule of determination.

You will please make out a list and plat of the lands thus granted to the State, designating those which have been sold or otherwise disposed of since the passage of the law and the price paid for them when purchased.

The only reliable data in your possession from which these lists can be made out, are the facts of the surveys on file in your office; and if the authorities of the State are willing to adopt these as the basis of these lists, you will so regard them. If not, and if those authorities furnish you satisfactory evidence, that any lands are of the character embraced by the grant, you will report them.

The following general principles will govern you, in making up these lists, to wit:

1. Where the field notes are the basis and the intersections of the lines of swamp or overflow with those of the public surveys alone are given, those intersections may be connected by straight lines, and all legal subdivisions the greater part of which are shown by these lines to be within the swamp or overflow will be included in the State, the balance will remain the property of the Government.

2. Where the State authorities consider it wise to have the surveys made to determine the boundaries of the swamp or overflowed lands, those boundaries alone should be surveyed, taking connections with the nearest section or township corner, etc.

3. Where the swamp or overflowed lands are on the borders of a stream or lake, the stream or lake could be measured and ordinates surveyed at suitable intervals, from the borders of the stream or lake to the margin of the swamp or overflowed lands, and by connecting the ends of those ordinates with a straight line, the boundaries of the swamp or overflowed lands can be ascertained with sufficient accuracy. In no case, however, should any such boundaries or ordinates be marked in the field, as they may produce difficulty in determining the lines and errors of the public surveys hereafter, and thus lead to litigation. The selections in all those cases will be made as before directed. Where satisfactory evidence is produced, that the whole of a tract, or any particular part of a township, or the whole of a tract of country bounded by township, or of any particular and specified part of a township, or the whole of a tract of country bounded by the grant, you will so report it. The specified surveys and natural boundaries, as of the character embraced by the grant, will be regarded as the legal subdivisions or principles herein prescribed for forty-acre or quarter-section surveys, will be regarded as the legal subdivisions or principles herein prescribed for forty-acre or quarter-section surveys, as the case may be.

The affidavits of the county surveyors and other respectable persons that they understand and have examined the lines, and that the lands bounded by lines thus examined and particularly designated in the affidavit, are of the character described by the law, should be sufficient,

The lines or boundary of the overflow, that renders the land unit for regular cultivation may be adopted as that which regulates the grant.

You will make out lists of these lands as early as practicable, according to the following form, one copy of which will be sent to the Secretary of the Interior, the Register should enter all the lands so selected in his tract books as "granted to the State by act of 28th September, 1859," and on the plats enter on each tract "State act 28th September, 1859." Copies of the approved lists will be sent to the Register for this purpose. Your early attention is requested in this matter that the grant may be disposed of as speedily as possible.

Very respectfully, your obedient servant,

L. B. B. Tuttlefield,
Commissioner.


(Handwritten entries follow, but content not legible due to image quality.)