

## **US Code**

*(Unofficial compilation from the Legal Information Institute)*

### **TITLE 43 - PUBLIC LANDS**

#### **CHAPTER 3—SURVEYS**

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<b>TITLE 43 - PUBLIC LANDS</b>	<b>1</b>
<b>CHAPTER 3 - SURVEYS</b>	<b>2</b>
§ 51. Omitted	2
§ 52. Surveying duties	2
§ 53. Powers devolved on Secretary of the Interior on turning over of papers to States	3
§ 54. Completion of surveys; delivery to States	4
§ 55. Field notes delivered to States; access to	5
§ 56. Conditions of delivery to States	5
§ 57. Authenticated copies or extracts from records as evidence	5
§ 58. Transcripts from records of Louisiana	6
§ 59. Official papers in office of surveyor general in California; copies	6
§ 60. Stationery for mineral surveys	7
§§ 61 to 63. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029	7

**TITLE 43 PUBLIC LANDS**

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**TITLE 43—PUBLIC LANDS**

Chap. ...Sec.

1. Bureau of Land Management ...1
2. United States Geological Survey ...31
3. Surveys ...51
4. District Land Offices ...70
5. Land Districts ...121
6. Withdrawal From Settlement, Location, Sale, or Entry ...141
7. Homesteads ...161
8. Timber and Stone Lands [Repealed] ...311
- 8A. Grazing Lands ...315
9. Desert-Land Entries ...321
10. Underground-Water Reclamation Grants [Repealed] ...351
11. Discovery, Development, and Marking of Water Holes, etc., by Government ...361
- 11A. Board on Geographic Names ...364
12. Reclamation and Irrigation of Lands by Federal Government ...371
- 12A. Boulder Canyon Project ...617
- 12B. Colorado River Storage Project ...620
13. Federal Lands Included in State Irrigation Districts ...621
14. Grants of Desert Lands to States for Reclamation ...641
15. Appropriation of Waters; Reservoir Sites ...661
16. Sale and Disposal of Public Lands ...671
17. Reservation and Sale of Town Sites on Public Lands ...711
18. Survey of Public Lands ...751
19. Bounty Lands [Repealed] ...781
20. Reservations and Grants to States for Public Purposes ...851
21. Grants in Aid of Railroads and Wagon Roads ...881
- 21A. Forfeiture of Northern Pacific Railroad Indemnity Land Grants [Omitted] ...921
22. Rights-of-way and Other Easements in Public Lands ...931
23. Grants of Swamp and Overflowed Lands ...981
24. Drainage Under State Laws [Repealed] ...1021
25. Unlawful Inclosures or Occupancy; Obstructing Settlement or Transit ...1061
- 25A. Lands Held Under Color of Title ...1068
26. Abandoned Military Reservations [Repealed] ...1071
27. Public Lands in Oklahoma ...1091
28. Miscellaneous Provisions Relating to Public Lands ...1151
29. Submerged Lands ...1301
30. Administration of Public Lands ...1361
31. Department of the Interior ...1451
32. Colorado River Basin Project ...1501
- 32A. Colorado River Basin Salinity Control ...1571
- 32B. Colorado River Floodway ...1600
33. Alaska Native Claims Settlement ...1601
- 33A. Implementation of Alaska Native Claims Settlement and Alaska Statehood ...1631
34. Trans-Alaska Pipeline ...1651
35. Federal Land Policy and Management ...1701
36. Outer Continental Shelf Resource Management ...1801
37. Public Rangelands Improvement ...1901
38. Crude Oil Transportation Systems ...2001
39. Abandoned Shipwrecks ...2101
40. Reclamation States Emergency Drought Relief ...2201
41. Federal Land Transaction Facilitation ...2301
42. Rural Water Supply ...2401

**CHAPTER 3—SURVEYS**

Sec.

- 51. Omitted.
- 52. Surveying duties.
- 53. Powers devolved on Secretary of the Interior on turning over of papers to States.
- 54. Completion of surveys; delivery to States.
- 55. Field notes delivered to States; access to.
- 56. Conditions of delivery to States.
- 57. Authenticated copies or extracts from records as evidence.
- 58. Transcripts from records of Louisiana.
- 59. Official papers in office of surveyor general in California; copies.
- 60. Stationery for mineral surveys.
- 61 to 63. Repealed.

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**§ 51. Omitted**

**Codification**

Section, act Mar. 3, 1925, ch. 462, 43 Stat. 1144, which abolished office of surveyor general and transferred its functions to Field Surveying Service under Supervisor of Surveys, was superseded by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note set out under section 1 of this title.

The office of surveyor general abolished in certain States by acts July 31, 1876, ch. 246, 19 Stat. 121, and Oct. 2, 1888, ch. 1069, 25 Stat. 525, and discontinued in others pursuant to R.S. § 2218.

So far as they were not already superseded or obsolete by reason of abolition or discontinuance of the office, or otherwise, the following provisions were superseded by former provisions of this section:

R.S. § 2207, providing for appointment of surveyors general in States and territories therein named, and acts Apr. 10, 1890, ch. 77, § 1, 26 Stat. 53, and July 24, 1897, ch. 14, § 2, 30 Stat. 215, providing for surveyors general in North and South Dakota and Alaska;

R.S. §§ 2208 to 2211; acts Apr. 10, 1890, ch. 77, § 2, 26 Stat. 53; July 24, 1897, ch. 14, § 3, 30 Stat. 215, concerning salaries of particular surveyors general;

R.S. §§ 2212 to 2214, concerning number and location, of offices, and place of residence, of surveyors general.

R.S. §§ 2215 and 2216, concerning bonds of surveyors general;

R.S. § 2217, concerning duration of term of office of surveyors general;

R.S. §§ 2226 and 2227, concerning allowances for clerk hire and office expenses;

Act Mar. 3, 1893, ch. 211, 27 Stat. 709, relative to consolidation of offices of two or more surveyors general; and provisions of act May 24, 1922, ch. 199, 42 Stat. 556, and prior acts concerning detail of clerks from office of one surveyor general to another.

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**§ 52. Surveying duties**

The Secretary of the Interior or such officer as he may designate shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the Bureau of Land Management, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the Bureau of

Land Management, in respect to the public lands to which the Indian title has been or may be extinguished.

Third. He shall cause to be surveyed all private land claims after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the officer, as the Secretary of the Interior may designate, of the respective land offices general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to such officer as the Secretary may designate.

Fifth. He shall, so far as is compatible with the desk duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for the Secretary of the Interior or such officer as he may designate to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and \$5 a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when the Secretary or such officer, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

(R.S. § 2223; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

### **Codification**

Provisions different from those of the fifth paragraph of this section, for inspection of surveying operations, were made by several Sundry Civil Appropriation Acts, in connection with the appropriations for surveys and resurveys, and limited to the expenditure of the particular appropriation.

R.S. § 2223 derived from acts May 18, 1796, ch. 29, § 1, 1 Stat. 464; Apr. 29, 1816, ch. 151, § 1, 3 Stat. 325; Mar. 3, 1831, ch. 116, § 1, 4 Stat. 492; Mar. 3, 1853, ch. 145, §§ 3, 10, 10 Stat. 245, 247; Apr. 24, 1874, ch. 127, 18 Stat. 34; Aug. 9, 1876, ch. 256, 19 Stat. 126.

### **Transfer of Functions**

References to Supervisor of Surveys and Commissioner of General Land Office changed to Secretary of the Interior or such officer as he may designate, reference to manager changed to officer designated by Secretary of the Interior, and "Bureau of Land Management" substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Previously, references to surveyors general were changed to supervisor of surveys and provisions limiting application of section to points "within his surveying district" were omitted on authority of act Mar. 3, 1925, which abolished office of surveyor general and transferred its activities to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

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## **§ 53. Powers devolved on Secretary of the Interior on turning over of papers to States**

In all cases where, as provided in section 54 of this title, the field notes, maps, records, and other papers appertaining to land titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor general, whose district included such State, shall be vested in, and devolved upon, the Secretary of the Interior or such officer as he may designate.

(R.S. § 2219; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

### Codification

R.S. § 2219 derived from act Jan. 22, 1853, ch. 24, § 1, 10 Stat. 152.

### 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. See note set out under section 1 of this title.

### Surveyor General

Abolition of office of surveyor general, see note set out under section 51 of this title.

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## § 54. Completion of surveys; delivery to States

The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying districts, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the Secretary of the Interior or such officer as he may designate shall deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field notes, maps, records, and other papers appertaining to land titles within the same.

(R.S. § 2218; June 5, 1924, ch. 264, 43 Stat. 394; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

### Codification

The original text of R.S. § 2218 provided for completion of surveys “in the several surveying-districts for which surveyors general have been, or may be, appointed” and also provided that “the surveyor general thereof shall be required to deliver over” all papers appertaining to land titles within the district, “and the office of surveyor general in every such district shall thereafter cease and be discontinued.” The references to the surveyors general were omitted in view of act Mar. 3, 1925 (classified to section 51 of this title) abolishing office of surveyor general and transferring its activities to the Field Surveying Service, under the jurisdiction of the U.S. Supervisor of Surveys. See, also, Transfer of Functions note below.

R.S. § 2207, formerly cited as a credit to this section, which provided for appointment of surveyors general, was superseded by act Mar. 3, 1925 (classified to section 51 of this title) and repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429.

Act June 5, 1924, appropriated funds for use in making the surveys in twelve districts.

Act May 25, 1906, ch. 2554, 34 Stat. 199, provided for a survey, pursuant to R.S. § 2218, of unsurveyed lands in Louisiana, and was omitted.

Provisions of act Oct. 2, 1888, ch. 1069, 25 Stat. 525, which provided for transfer to State officials of field notes, maps, records and other papers appertaining to land surveys in Nebraska and Iowa, were omitted.

All records, etc., belonging to office of recorder of land titles for Missouri were delivered to State upon discontinuance of office, by provisions of act June 6, 1874, ch. 223, § 3, and act July 31, 1876, ch. 246.

R.S. § 2218 derived from acts June 12, 1840, ch. 36, § 1, 5 Stat. 384; July 31, 1876, ch. 246, 19 Stat. 121.

### 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.

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“Secretary of the Interior or such officer as he may designate” substituted for “Supervisor of Surveys” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

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## § 55. Field notes delivered to States; access to

Under the authority and direction of the Secretary of the Interior or such officer as he may designate, any deputy surveyor or other agent of the United States shall have free access to any field notes, maps, records, and other papers, mentioned in section 53 of this title, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

(R.S. § 2220; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

### Codification

The word “such” before “field notes” was omitted and the words “mentioned in section 53 of this title” were inserted after “papers.”

R.S. § 2220 derived from act Jan. 22, 1853, ch. 24, § 2, 10 Stat. 152.

### 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. See note set out under section 1 of this title.

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## § 56. Conditions of delivery to States

The field notes, maps, records, and other papers mentioned in section 53 of this title, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

(R.S. § 2221.)

### Codification

R.S. § 2221 derived from acts Jan. 22, 1853, ch. 24, § 3, 10 Stat. 152; June 6, 1874, ch. 223, § 3, 18 Stat. 62.

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## § 57. Authenticated copies or extracts from records as evidence

Any copy of or extract from the plats, field notes, records, or other papers of the offices of the former surveyors general for the districts of Oregon and California, when authenticated by the seal and signature of the Secretary of the Interior or such officer as he may designate, shall be evidence in all cases in which the original would be evidence.

(R.S. § 2224; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

### Codification

This section is from a part of R.S. § 2224, as affected by act Mar. 3, 1925. The original text provided for the continuation of the use of the official seals authorized for the offices of the surveyors general of Oregon, California, and Louisiana. This provision was superseded by act Mar. 3, 1925 (classified to section 51 of this title), abolishing the

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office of surveyor-general. The rest of the section became inapplicable to Louisiana upon the discontinuance of the office of surveyor general of Louisiana pursuant to R.S. § 2218. The text of this section was changed to provide for authentication by the supervisor of surveys, instead of a surveyor-general, in view of act Mar. 3, 1925 (classified to section 51 of this title) abolishing the office of surveyor general and transferring its activities to the Field Surveying Service, under the jurisdiction of the U.S. Supervisor of Surveys. See, also, Transfer of Functions note below.

R.S. § 2224 derived from act Mar. 3, 1853, ch. 145, §§ 2, 11, 10 Stat. 245, 248.

### **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 “Supervisor of Surveys” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

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## **§ 58. Transcripts from records of Louisiana**

Any copy of a plat of survey, or transcript from the records of the office of the former surveyor general of Louisiana, duly certified, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

(R.S. § 2225.)

### **Codification**

The word “former” was inserted in text before “surveyor general” because of the discontinuance of the office of surveyor general in Louisiana.

R.S. § 2225 derived from act Mar. 3, 1831, ch. 116, § 5, 4 Stat. 493.

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## **§ 59. Official papers in office of surveyor general in California; copies**

All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been authorized by law to be collected and deposited in the surveyor general’s office in California, shall be safely and securely kept by the Secretary of the Interior, or such officer as he may designate, in the archives of his office until disposed of as provided by law; and copies thereof, authenticated by the Secretary or such officer under his seal of office, shall be evidence in all cases where the originals would be evidence.

(R.S. § 2229; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Oct. 25, 1951, ch. 562, § 3(3), 65 Stat. 639.)

### **Codification**

R.S. § 2229 derived from act May 18, 1858, ch. 39, § 1, 11 Stat. 289.

### **Amendments**

1951—Act Oct. 25, 1951, inserted “until disposed of as provided by law”.

### **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 “Supervisor of Surveys” on authority on section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Previously, "Supervisor of Surveys" was substituted for "surveyor general" by act Mar. 3, 1925.

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**§ 60. Stationery for mineral surveys**

The stationery and drafting instruments purchased on and after March 3, 1901, for exclusive use of the Secretary of the Interior or such officers as he may designate in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys.

(Mar. 3, 1901, ch. 830, § 1, 31 Stat. 1003; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

**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 "Field Surveying Service" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Previously, "Field Surveying Service" substituted for "surveyors-general" on authority of act Mar. 3, 1925, which abolished office of surveyor general and transferred its activities to Field Surveying Service.

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**§§ 61 to 63. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029**

Section 61, R.S. § 2230; act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to bonds for deputy surveyors.

Section 62, R.S. § 2231, act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to oath of deputy surveyors.

Section 63, R.S. § 2232; act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to suits on bond of deputy surveyors.