

**43 USC Ch. 5: LAND DISTRICTS****From Title 43—PUBLIC LANDS****CHAPTER 5—LAND DISTRICTS**

Sec.	
121.	Discontinuance of land offices by President.
122.	Discontinuance of land offices by Secretary of the Interior.
123.	Continuance of land offices when required by public convenience.
123a.	Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices.
124.	Consolidation of land offices.
125.	Annexation of discontinued district to adjacent district.
126.	Change of location of land offices.
127.	Change of boundaries of land districts.
128.	Division or change of boundaries; continuance of business of original district.
129.	Office rent and clerk hire for consolidated land offices.
130.	Entry of public lands in States where no land offices exist.

**§121. Discontinuance of land offices by President**

Upon the recommendation of the Secretary of the Interior, the President may order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory. (R.S. §2252; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

**CODIFICATION**

R.S. §2252 derived from act [May 30, 1862, ch. 86, §5](#), 12 Stat. 409.

**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.

Words "the Commissioner of the General Land Office, approved by" omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

**DELEGATION OF FUNCTIONS**

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

**§122. Discontinuance of land offices by Secretary of the Interior**

Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land office, the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued, of which the Secretary of the Interior shall give notice.

(R.S. §2248.)

**CODIFICATION**

R.S. §2248 derived from act [June 12, 1840, ch. 36, §2](#), 5 Stat. 385.

**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.

## **§123. Continuance of land offices when required by public convenience**

The Secretary of the Interior may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land system in such State.

(R.S. §2249.)

### **CODIFICATION**

R.S. §2249 derived from act Sept. 4, 1841, ch. 16, §7, 5 Stat. 455.

### **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.

## **§123a. Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices**

Subject to the authority conferred upon the Secretary of the Interior by this section, the land districts and land offices existing in Alaska on October 9, 1942 are continued. The Secretary of the Interior is authorized and empowered in his discretion to change the boundaries of, or discontinue, any land district in Alaska, and in lieu thereof to designate such land district, or land region, as, in his opinion, is necessary for the transaction of the business relating to the public lands in the Territory and to designate or change the location of any land office for such land district or land region.

(Oct. 9, 1942, ch. 584, §6, 56 Stat. 779.)

### **CODIFICATION**

Section was formerly classified to section 365 of Title 48, Territories and Insular Possessions.

### **LAND DISTRICTS AND LAND OFFICES CONTINUED**

Provisions of acts Feb. 14, 1902, ch. 17, §1, 32 Stat. 20; Mar. 2, 1907, ch. 2537, §1, 34 Stat. 1232, which constituted former section 365 of Title 48, Territories and Insular Possessions, and were repealed by section 7 of Act Oct. 9, 1942, which enacted this section, read as follows: "There shall be two land districts in Alaska, the boundaries of which shall be designated by the President, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska, and one other land district and land office, the location of which shall be fixed by the President."

## **§124. Consolidation of land offices**

It shall be the duty of the Secretary of the Interior to consolidate the district land offices where practicable and consistent with the public interests.

(Aug. 5, 1892, ch. 380, §1, 27 Stat. 368.)

### **APPROPRIATIONS**

The Secretary of the Interior was required to consolidate the district land offices so as to bring the total compensation of the registers and receivers for the fiscal year 1894, within the appropriation made therefor by the sundry Civil Appropriation Act for that year, act Mar. 3, 1893, ch. 208, 27 Stat. 591, which was fixed at \$520,000.

## **§125. Annexation of discontinued district to adjacent district**

Whenever the cost of collecting the revenue from the sales of the public lands in any land district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not

incompatible with the public interest, to discontinue the land office in such district, and to annex the same to some other adjoining land district.

(R.S. §2250.)

#### **CODIFICATION**

R.S. §2250 derived from act Mar. 3, 1853, ch. 97, §1, 10 Stat. 189, 194.

#### **DELEGATION OF FUNCTIONS**

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

### **§126. Change of location of land offices**

The President is authorized to change the location of the land offices in the several land districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient.

(R.S. §2251.)

#### **CODIFICATION**

R.S. §2251 derived from acts Mar. 3, 1853, ch. 97, §1, 10 Stat. 204; Mar. 3, 1853, ch. 144, 10 Stat. 244.

#### **DELEGATION OF FUNCTIONS**

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

### **§127. Change of boundaries of land districts**

The President is authorized to change and reestablish the boundaries of land districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land offices or land districts.

(R.S. §2253.)

#### **CODIFICATION**

R.S. §2253 derived from act June 29, 1870, ch. 171, 16 Stat. 171.

#### **DELEGATION OF FUNCTIONS**

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

### **§128. Division or change of boundaries; continuance of business of original district**

In case of the division of existing land districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land office, after such lands have been made part of another district by any Act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

(R.S. §2254.)

#### **CODIFICATION**

R.S. §2254 derived from act May 31, 1872, ch. 241, 17 Stat. 192.

#### **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.

## §129. Office rent and clerk hire for consolidated land offices

The Secretary of the Interior is authorized to make a reasonable allowance for office rent for each consolidated land office; and when satisfied of the necessity therefor, to approve the employment of one or more clerks, at a reasonable per diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 84 <sup>1</sup> of this title, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

(R.S. §2255; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

### REFERENCES IN TEXT

Section 84 of this title, referred to in text, was repealed by Pub. L. 86-649, title II, §202(b), July 14, 1960, 74 Stat. 507. See section 1734 of this title.

### CODIFICATION

R.S. §2255 derived from act Feb. 18, 1861, ch. 38, §2, 12 Stat. 131.

### 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.

Words "by the register" following "to approve the employment" omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

<sup>1</sup> *See References in Text note below.*

## §130. Entry of public lands in States where no land offices exist

Public lands situated in States in which there are no land offices may be entered at the Bureau of Land Management, subject to the provisions of law touching the entry of public lands; and the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Secretary of the Interior, or such officer as he may designate, for lands entered by cash entry shall be covered into the Treasury.

(Mar. 3, 1877, ch. 102, §1, 19 Stat. 315; June 19, 1878, ch. 329, §1, 20 Stat. 201; 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.

"Bureau of Land Management" substituted for "General Land Office" and "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.