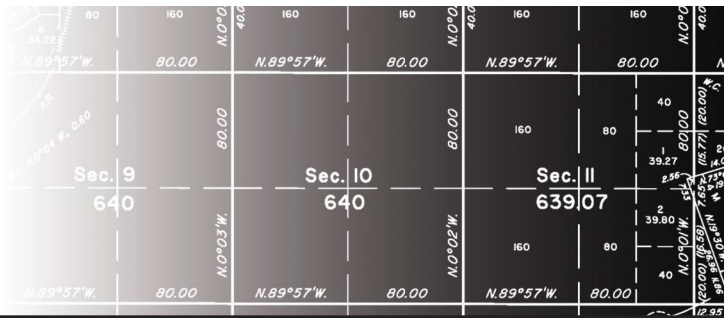


Chapter I

The General Plan



The Manual

Introduction

1-1. One of the earliest issues faced by the new United States Government after the conclusion of the War of Independence was the appropriate development and disposition of the public lands owned by the Federal Government. The issue was addressed in the United States Constitution itself under Article IV, Section 3, Clause 2, which provides that “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States” ensuring that the Federal Government, and not the individual States, would determine how the public lands of the United States were to be administered.

Prior to the Constitution’s adoption in 1788 and while the Articles of Confederation (1781) were still in effect, the Congress passed the Land Ordinance of 1785, establishing a system for surveying and thereby demarcating the public lands for their (1) orderly disposition into new States, (2) conveyance from Federal into State and private ownership, or (3) retention for Federal administration. This “rectangular system of survey” typically describes townships of 36 square miles comprised of sections of 1 square mile (640 acres, more or less), each subdivided into quarter sections (160 acres) and quarter-quarter sections (40 acres). Chapter III describes this system in greater detail. Under this land tenure system, each tract of land would receive a unique identifying description. Before a survey was completed, the lands were known as “unsurveyed public lands” and could not be disposed out of Federal ownership.

Since the Land Ordinance of 1785, it has been the continuous policy of the United States that land shall not leave Federal ownership until it has first been surveyed, and an approved plat of survey has been filed. After the survey, persons interested in homesteading or making other authorized land entries under the Federal

public land laws could identify what lands were available for claim and entry. The corner monuments on the ground established actual on-the-ground locations for the boundaries of the lands entered, patented, and/or otherwise conveyed. This process assures the orderly disposition of the public lands and avoids confusion and contention.

Thirty of the fifty current States (“public domain States”) were originally surveyed under this system. With very few exceptions all chains of title to privately owned land in those 30 States trace back to a Federal land patent or other grant. These titles contain a written land description and locatable, on-the-ground monuments established according to an original “cadastral survey,” which *created* (not merely located) identifiable land boundaries. In litigation concerning land boundaries in these 30 States, often it is necessary to determine what specific lands left Federal ownership under a given Federal land patent or other instrument of conveyance and what lands remain in Federal ownership. Reference to the original patent and to its statutory authority, as well as the relevant survey (including the survey monuments, survey notes and plat, and instructions), are often needed for proper adjudication of modern land disputes in these 30 States, regardless of whether any Federal interests are directly involved in the dispute. Land ownership and boundaries in the other 20 States, i.e., the Thirteen Original States plus Hawaii, Kentucky, Maine, Tennessee, Texas, Vermont, and West Virginia, were established by other means and surveyed according to different systems and standards.

1-2. This *Manual of Surveying Instructions* (Manual) represents the latest in a series of official and binding survey instructions dating back to 1804; the most recent prior to this edition was issued in 1973. The dominant Federal policy has shifted from one favoring disposal and settling of the unreserved public lands to one favoring retention, administration, and control. This Manual, related Manual supplements and special instructions, and all former editions remain legally relevant because