US Code
(Unofficial compilation from the Legal Information Institute)

TITLE 43 - PUBLIC LANDS
CHAPTER 18—SURVEY OF PUBLIC LANDS

Please Note: This compilation of the US Code, current as of Jan. 4, 2012, has been prepared by the Legal Information Institute using data from the U.S. House of Representatives, Office of the Law Revision Counsel. It is not an official U.S. government publication. For more details please see: http://www.law.cornell.edu/uscode/uscprint.html.

Notes on this document: The content in this document is taken directly from the US Code, with the following exceptions: page headers and footers, page numbering, and all formatting are artifacts of this presentation. Divider lines have been inserted between sections. The notes are set off by a vertical line and a larger left margin. The table of contents immediately following this title page is machine-generated from the headings in this portion of the Code. Commonly available fonts are used.

The Legal Information Institute promotes worldwide, free public access to law via the Internet. Founded in 1992, the LII created the first legal information website. It continues to be a pre-eminent "law-not-com" publisher of legal information and an important outreach activity of the Cornell Law School.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 751</td>
<td>Rules of survey</td>
</tr>
<tr>
<td>§ 751a</td>
<td>Survey system extended to Alaska</td>
</tr>
<tr>
<td>§ 751b</td>
<td>Surveys in Nome and Fairbanks districts</td>
</tr>
<tr>
<td>§ 752</td>
<td>Boundaries and contents of public lands; how ascertained</td>
</tr>
<tr>
<td>§ 753</td>
<td>Lines of division of half quarter sections; how run</td>
</tr>
<tr>
<td>§ 757</td>
<td>Cost of survey of private land claims to be reported and paid</td>
</tr>
<tr>
<td>§ 758</td>
<td>Delivery of patent contingent on refund of cost of survey</td>
</tr>
<tr>
<td>§ 759</td>
<td>Survey for and by settlers in township</td>
</tr>
<tr>
<td>§ 760</td>
<td>Deposit for expenses deemed an appropriation</td>
</tr>
<tr>
<td>§ 761</td>
<td>Repayment of excess of deposits to cover cost of surveys of mineral lands</td>
</tr>
<tr>
<td>§ 762</td>
<td>Deposits made by settlers for surveys to go in part payment of lands</td>
</tr>
<tr>
<td>§ 763</td>
<td>Deposits in Louisiana applicable to resurveys</td>
</tr>
<tr>
<td>§ 766</td>
<td>Geological surveys, extension of public surveys, expenses of subdividing</td>
</tr>
<tr>
<td>§§ 768, 769</td>
<td>Repealed. Apr. 29, 1950, ch. 134, § 4, 64 Stat. 93</td>
</tr>
<tr>
<td>§ 770</td>
<td>Rectangular mode of survey; departure from</td>
</tr>
<tr>
<td>§ 772</td>
<td>Resurveys or retracements to mark boundaries of undisposed lands</td>
</tr>
<tr>
<td>§ 773</td>
<td>Resurveys or retracements of township lines, etc.</td>
</tr>
<tr>
<td>§ 774</td>
<td>Protection of surveyor by marshal</td>
</tr>
<tr>
<td>§ 775</td>
<td>Omitted</td>
</tr>
</tbody>
</table>
## 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 18—SURVEY OF PUBLIC LANDS

Sec.
751a. Survey system extended to Alaska.
751b. Surveys in Nome and Fairbanks districts.
752. Boundaries and contents of public lands; how ascertained.
753. Lines of division of half quarter sections; how run.
754 to 756. Repealed.
757. Cost of survey of private land claims to be reported and paid.
758. Delivery of patent contingent on refund of cost of survey.
759. Survey for and by settlers in township.
760. Deposit for expenses deemed an appropriation.
761. Repayment of excess of deposits to cover cost of surveys of mineral lands.
762. Deposits made by settlers for surveys to go in part payment of lands.
763. Deposits in Louisiana applicable to resurveys.
764, 765. Repealed.
766. Geological surveys, extension of public surveys, expenses of subdividing.
767 to 769. Repealed.
770. Rectangular mode of survey; departure from.
771. Repealed.
772. Resurveys or retracements to mark boundaries of undisposed lands.
773. Resurveys or retracements of township lines, etc.
774. Protection of surveyor by marshal.
775. Omitted.

§ 751. Rules of survey

The public lands shall be divided by north and south lines run according to the true meridian, and
by others crossing them at right angles, so as to form townships of six miles square, unless where
the line of an Indian reservation, or of tracts of land surveyed or patented prior to May 18, 1796,
or the course of navigable rivers, may render this impracticable; and in that case this rule must be
departed from no further than such particular circumstances require.

Second. The corners of the townships must be marked with progressive numbers from the
beginning; each distance of a mile between such corners must be also distinctly marked with marks
different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred
and forty acres each, by running parallel lines through the same from east to west and from south to
north at the distance of one mile from each other, and marking corners at the distance of each half
mile. The sections shall be numbered, respectively, beginning with the number one in the northeast
section and proceeding west and east alternately through the township with progressive numbers,
until the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner
established in the manner described, and within the section, the number of such section, and over
it the number of the township within which such section may be; and the deputy surveyors shall
carefully note, in their respective field books, the names of the corner trees marked and the numbers
so made.
Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all watercourses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field books shall be returned to the Secretary of the Interior or such officer as he may designate, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the office of the Secretary of the Interior or of such agency as he may designate for public information, and other copies shall be sent to the places of the sale, and to the Bureau of Land Management.


Codification

Amendments
1950—Par. Third. Act Apr. 29, 1950, struck out provision that sections 1 mile square in townships be established by running survey lines 2 miles apart.

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.

In par. “Eighth”, reference to “United States Supervisor of Surveys,” changed to “Secretary of the Interior or such officer as he may designate.”; “office of the Field Surveying Service” changed to “office of the Secretary of the Interior or of such agency as he may designate.”; and “General Land Office” changed to “Bureau of Land Management”, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

Land Information Study; Report to Congress
Pub. L. 100–409, § 8, Aug. 20, 1988, 102 Stat. 1091, provided that:
“(a) Study.—The Secretary of the Interior shall conduct an assessment of the need for and cost and benefits associated with improvements in the existing methods of land surveying and mapping and of collecting, storing, retrieving, disseminating, and using information about Federal and other lands.
“(b) Consultation.—In conducting the assessment required by this section, the Secretary of the Interior shall consult with the following—

“(1) the Secretary of Agriculture;
“(2) the Secretary of Commerce;
“(3) the Director of the National Science Foundation;
“(4) representatives of State and local governments;
“(5) representatives of private sector surveying and mapping science.

“(c) Report.—No later than one year after the day of enactment of this Act [Aug. 20, 1988], the Secretary of the Interior shall report to the Congress concerning the results of the assessment required by this section.

“(d) Topics.—In the report required by subsection (c), the Secretary of the Interior shall include a discussion and evaluation of the following:

“(1) relevant recommendations made by the National Academy of Sciences (National Research Council) on the concept of a multipurpose cadastre from time to time prior to the date of enactment of this Act [Aug. 20, 1988];
“(2) ongoing activities concerning development of an overall reference frame for land and resource information, including but not limited to a geodetic network, a series of current and accurate large-scale maps, cadastral overlay maps, unique identifying numbers linking specific land parcels to a common index of all land records in United States cadastral systems, and a series of land data files;
“(3) ways to achieve better definition of the roles of Federal and other governmental agencies and the private sector in dealing with land information systems;
“(4) ways to improve the coordination of Federal land information activities; and
“(5) model standards developed by the Secretary for compatible multipurpose land information systems for use by Federal, State and local governmental agencies, the public, and the private sector.

“(e) Recommendations.—The report required by subsection (c) may also include such recommendations for legislation as the Secretary of the Interior considers necessary or desirable.”

§ 751a. Survey system extended to Alaska

The system of public land surveys is extended to the Territory of Alaska.

(Mar. 3, 1899, ch. 424, 30 Stat. 1098.)

Codification

Section was formerly classified to section 351 of Title 48, Territories and Insular Possessions.

Section is from the Sundry Civil Appropriation Act, 1900.

Admission of Alaska as State

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 751b. Surveys in Nome and Fairbanks districts

The Secretary of the Interior or such officer as he may designate, shall furnish the land offices at Nome and Fairbanks a sufficient quantity of numbers to be used in the different classes of official surveys that may be made in the Nome and Fairbanks land districts to meet the requirements thereof, and upon application by any person desiring to have an official survey made such officers as the Secretary of the Interior may designate shall furnish a number or numbers for such survey or surveys, together with an order directing a qualified deputy surveyor to make the same, and such application, order, and the fee required to be paid shall be transmitted to the Secretary of the Interior.
or such officer as he may designate: Provided, That all surveys thus made shall be approved by the Secretary of the Interior or such officer as he may designate.


**Codification**

Section was formerly classified to section 352 of Title 48, Territories and Insular Possessions.

**Repeals**

Act Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779, cited as a credit to this section, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

**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.

Functions of Supervisor of Surveys and Registers transferred to Secretary of the Interior or those officers as he may designate by section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

References to “receivers” changed to “registers” by act Oct. 9, 1942, which abolished office of receiver and transferred functions to an employee to be designated by Secretary and to be performed under title “register”.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 752. Boundaries and contents of public lands; how ascertained

The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the Secretary of the Interior or such agency as he may designate, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half- and quarter-sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary lines, actually run and marked in the surveys returned by the Secretary of the Interior or such agency as he may designate, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such lines as returned, shall be held and considered as the true length thereof. And the boundary lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the watercourse, Indian boundary line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the Secretary of the Interior or such agency as he may designate, shall be held and considered as containing the exact quantity expressed in such return; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing
the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.


Codification

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.

In pars. “First”, “Second” and “Third”, reference to “Field Surveying Service” changed to “Secretary of the Interior or such agency as he may designate”, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 753. Lines of division of half quarter sections; how run

In every case of the division of a quarter section the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by section 752 of this title, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter sections under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

(R.S. § 2397.)

Codification
R.S. § 2397 derived from acts Apr. 24, 1820, ch. 51, § 1, 3 Stat. 566; Apr. 5, 1832, ch. 65, 4 Stat. 503.


Section 754, R.S. § 2398, related to binding effect of contracts for surveys.

Section 755, R.S. § 2399; acts Oct. 1, 1890, ch. 1262, 26 Stat. 650; Aug. 15, 1894, ch. 288, 28 Stat. 285; Apr. 26, 1902, ch. 592, 32 Stat. 120; Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to various surveying instructions which were to be deemed part of every contract for survey.

Section 756, R.S. § 2400; act Mar. 3, 1875, ch. 130, § 1, 18 Stat. 384, related to establishment of prices of surveys.
§ 757. Cost of survey of private land claims to be reported and paid

An accurate account shall be kept by the Secretary of the Interior or such officer as he may designate of the cost of surveying and platting every private land claim to be reported to the Bureau of Land Management with the map of such claim; and a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party.


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.

“Field Surveying Service” changed to “Secretary of the Interior or such agency as he may designate” and “General Land Office” changed to “Bureau of Land Management”, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 758. Delivery of patent contingent on refund of cost of survey

In all cases of the survey of private land claims the cost of the same shall be refunded to the Treasury by the owner before the delivery of the patent.

(Mar. 3, 1885, ch. 360, 23 Stat. 499.)

§ 759. Survey for and by settlers in township

When the settlers in any township not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of such agency as the Secretary of the Interior may designate and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for such agency, under such instructions as may be given by the Secretary of the Interior or such officer as he may designate, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: Provided, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys.

§ 760. Deposit for expenses deemed an appropriation

The deposit of money in a proper United States depository, under the provisions of section 759 of this title, shall be deemed an appropriation of the sums so deposited for the objects contemplated by said section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

(R.S. § 2402.)

§ 761. Repayment of excess of deposits to cover cost of surveys of mineral lands

The Secretary of the Treasury is authorized and directed to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of such agency as the Secretary of the Interior may designate in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the office of such agency of the district in which the mineral land surveyed, or sought to be surveyed, is situated and approved by the Secretary of the Interior or such officer as he may designate.

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.

References to “the United States Field Surveying Service” and “the Field Surveying Service” changed to “such agency as the Secretary of the Interior may designate”, and “the office of such agency”, respectively; and “Commissioner of the General Land Office” changed to “Secretary of the Interior or such officer as he may designate”, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 762. Deposits made by settlers for surveys to go in part payment of lands

Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 759 of this title, certificates shall be issued for such deposits which may be used by settlers in part payment for the lands settled upon by them, the survey of which is paid for out of such deposits, or said certificates may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States in the States where the surveys were made, entered or to be entered under the laws thereof.

(R.S. § 2403; Apr. 27, 1876, ch. 84, 19 Stat. 38; Mar. 3, 1879, ch. 170, 20 Stat. 352; Aug. 20, 1894, ch. 302, § 2, 28 Stat. 423.)

Codification


§ 763. Deposits in Louisiana applicable to resurveys

Such sums as have been or may be deposited for surveys in Louisiana by actual settlers, under sections 759, 760, and 762 of this title, may be, in whole or in part, employed in making such resurveys as may be necessary in the discretion of the Secretary of the Interior or such officer as he may designate.


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.


Section 764, R.S. § 2404, related to augmented rates for surveys of forest lands in Oregon.

Section 765, R.S. § 2405, related to augmented rates for surveys of forest lands in California and Washington.
§ 766. Geological surveys, extension of public surveys, expenses of subdividing

There shall be no further geological survey by the Government, unless authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

(R.S. § 2406.)

Codification


Section as Unaffected by Submerged Lands Act

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

....................................


Section, R.S. § 2407, authorized a departure from ordinary method in surveying land on a watercourse.

....................................


Section 768, R.S. § 2408, authorized Secretary of the Interior to vary lines of subdivisions from a rectangular form to suit the circumstances of the country in extending the surveys of public lands in Nevada. See section 770 of this title.

Section 769, R.S. § 2409, authorized Secretary of the Interior to continue geodetic method of survey in Oregon and California.

....................................

§ 770. Rectangular mode of survey; departure from

The Secretary of the Interior may, by regulation, provide that departures may be made from the system of rectangular surveys whenever it is not feasible or economical to extend the rectangular surveys in the regular manner or whenever such departure would promote the beneficial use of lands.

(R.S. § 2410; Apr. 29, 1950, ch. 134, § 2, 64 Stat. 93.)

Codification


Amendments

1950—Act Apr. 29, 1950, struck out limitation that, when there are departures from the rectangular surveys, the lands shall not be surveyed into less than 160 acres or subdivided into less than 40 acres, and by substituting a general provision for those departures.

Section, R.S. § 2411, related to compensation for surveying by the day instead of by the mile in Oregon and California.

§ 772. Resurveys or retracements to mark boundaries of undisposed lands

The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: Provided, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement.


Amendments

1976—Pub. L. 94–579 struck out proviso authorizing that not more than 20 per centum of relevant appropriations be used for resurveys and retracements under this section.

Effective Date of 1976 Amendment

Section 705(a) of Pub. L. 94–579 provided that the amendment made by that section is effective on and after Oct. 21, 1976.

Savings Provision

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 773. Resurveys or retracements of township lines, etc.

Upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per centum of the area of which townships is privately owned, accompanied by a deposit with the Secretary of the Interior, or such officer as he may designate, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Secretary, or such officer as he may designate, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands. The sum so deposited shall be held by the Secretary of the Interior or such officer as he may designate, and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the persons making said deposits or their legal representatives. The proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements. Similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the
court. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this section into full force and effect.


§ 774. Protection of surveyor by marshal

Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

(R.S. § 2413.)

Codification

R.S. § 2413 derived from act May 29, 1830, ch. 163, § 2, 4 Stat. 417.

§ 775. Omitted

Codification

Section, act May 13, 1960, Pub. L. 86–455, title I, 74 Stat. 106, related to contributions for costs of management of lands and for surveying federally controlled lands, was from the Department of the Interior and Related Agencies Appropriation Act, 1961, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts: