

Section 725, act Mar. 3, 1877, ch. 113, §1, 19 Stat. 392, related to requirements as to quantity of land excluded from homestead entry in towns upon the public lands of the United States.

Section 726, acts Mar. 3, 1877, ch. 113, §3, 19 Stat. 392; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized settlement of excess lands where a town-site exceeds maximum limits.

Section 727, act Mar. 3, 1877, ch. 113, §4, 19 Stat. 392, authorized additional entries by town authorities in cases where a town site is less than maximum authorized size.

Section 728, act Mar. 3, 1891, ch. 561, §16, 26 Stat. 1101, related to town-site entries by incorporated towns and cities on the mineral lands of United States.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(a) is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal 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.

§ 729. Repealed. June 14, 1926, ch. 578, § 5, as added June 4, 1954, ch. 263, 68 Stat. 175

Section, act Sept. 30, 1890, ch. 1121, 26 Stat. 502, authorized, with limitations, the sale of unreserved public lands to incorporated cities and towns for cemetery and park purposes. See section 869 et seq. of this title.

Act Oct. 17, 1940, ch. 890, §2, 54 Stat. 1192, formerly set out as a note under this section, declared this section to be inapplicable to the Territory of Alaska, and was repealed by act June 14, 1926, ch. 578, §5, as added by act June 4, 1954, ch. 263, 68 Stat. 175. See section 869 et seq. of this title.

§§ 730 to 736. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 730, act July 9, 1914, ch. 138, 38 Stat. 454, provided for issuance of patents to transferees of town lots purchased at public sale and transferred prior to October 11, 1911, where patent had not been issued to original purchaser who had since died.

Section 731, act Feb. 9, 1903, ch. 531, 32 Stat. 820, extended town-site laws to ceded Indian lands in the State of Minnesota.

Section 732, act Mar. 3, 1891, ch. 561, §11, 26 Stat. 1099, related to town-site entries in Alaska. Section was formerly classified to section 355 of Title 48, Territories and Insular Possessions.

Section 733, act May 25, 1926, ch. 379, §1, 44 Stat. 629, related to Indian or Eskimo lands in Alaska set aside on survey of town site. Section was formerly classified to section 355a of Title 48.

Section 734, act May 25, 1926, ch. 379, §2, 44 Stat. 630, related to extension of streets or alleys across Indian or Eskimo land in Alaska. Section was formerly classified to section 355b of Title 48.

Section 735, act May 25, 1926, ch. 379, §3, 44 Stat. 630, related to a survey of nonmineral public lands in Alaska into lots and blocks. Section was formerly classified to section 355c of Title 48.

Section 736, act May 25, 1926, ch. 379, §4, 44 Stat. 630, related to authority of Secretary to prescribe regulations for sections 733 to 735 of this title. Section was formerly classified to section 355d of Title 48.

EFFECTIVE DATE OF REPEAL

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SAVINGS PROVISION

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JUNEAU INDIAN VILLAGE TOWNSITE

Pub. L. 88-34, May 29, 1963, 77 Stat. 52, which provided that sections 733 to 736 of this title were extended and made applicable to all lands of the Juneau Indian Village of Alaska, including uplands and filled in tidelands occupied on May 29, 1963, was repealed by section 703(a) of Pub. L. 94-579.

§ 737. Unrestricted deeds for townsite lands held by Alaska natives

The trustee or trustees to whom a patent has been issued for a townsite surveyed pursuant to section 732 or 735¹ of this title, upon a finding by the Secretary of the Interior or his authorized representative that any Alaska native who claims and occupies a tract of land within such townsite is competent to manage his own affairs and has petitioned the Secretary or his authorized representative for an unrestricted deed, or² shall issue to such native an unrestricted deed, and thereafter all restrictions as to sale, encumbrance, or taxation of said lands shall be removed, but said land shall not be liable to the satisfaction of any debt, except obligations owed the Federal Government, contracted prior to the issuing of such deed.

(Feb. 26, 1948, ch. 72, 62 Stat. 35.)

REFERENCES IN TEXT

Sections 732 and 735 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

CODIFICATION

Section was formerly classified to section 355e of Title 48, Territories and Insular Possessions.

§ 738. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act July 24, 1947, ch. 305, 61 Stat. 414, related to promulgation of zoning laws in Alaska. Section was formerly classified to section 364 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789, provided that the repeal made by section 703(a) is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal 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.

CHAPTER 18—SURVEY OF PUBLIC LANDS

Sec.	
751.	Rules of survey.
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.

¹ See References in Text note below.

² So in original.

Sec.	
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.

(R.S. §2395; 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; Apr. 29, 1950, ch. 134, §1, 64 Stat. 92.)

CODIFICATION

R.S. §2395 derived from acts May 18, 1796, ch. 29, §2, 1 Stat. 465; May 10, 1800, ch. 55, §3, 2 Stat. 73; Mar. 3, 1877, ch. 105, 19 Stat. 348.

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 bene-