

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

R.S. § 2403 derived from acts Mar. 3, 1871, ch. 127, 16 Stat. 581; Apr. 27, 1876, ch. 84, 19 Stat. 38.

§ 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.

(Aug. 7, 1882, ch. 433, 22 Stat. 327; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

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"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.

§§ 764, 765. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

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

R.S. § 2406 derived from acts July 21, 1852, ch. 66, § 1, 10 Stat. 15, 21; July 9, 1870, ch. 235, § 16, 16 Stat. 218.

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.

§ 767. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

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

§§ 768, 769. Repealed. Apr. 29, 1950, ch. 134, § 4, 64 Stat. 93

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

R.S. § 2410 derived from act Mar. 3, 1853, ch. 145, § 4, 10 Stat. 245.

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.

§ 771. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

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. (Mar. 3, 1909, ch. 271, 35 Stat. 845; June 25, 1910, No. 40, 36 Stat. 884; Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792.)

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

Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792, provided that the amendment made by section 705(a) 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.

(Sept. 21, 1918, ch. 175, 40 Stat. 965; 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.)

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“Supervisor of Surveys” changed to the “Secretary of the Interior, or such officer as he may designate,”; “Commissioner of the General Land Office subject to the supervisory authority of the Secretary of the Interior,” changed to “Secretary, or such officer as he may designate,”; and reference to “Supervisor of Surveys or commissioner” changed to “Secretary of the Interior or such officer as he may designate,” all 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.

§ 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:

June 23, 1959, Pub. L. 86-60, title I, 72 Stat. 93.
 June 4, 1958, Pub. L. 85-439, title I, 72 Stat. 156.
 July 1, 1957, Pub. L. 85-77, title I, 71 Stat. 258.
 June 13, 1956, ch. 380, title I, 70 Stat. 258.
 June 16, 1955, ch. 147, title I, 69 Stat. 142.
 July 1, 1954, ch. 446, title I, 68 Stat. 362.
 July 31, 1953, ch. 298, title I, 67 Stat. 263.
 July 9, 1952, ch. 597, title I, 66 Stat. 447.

CHAPTER 19—BOUNTY LANDS

REPEALS; RIGHTS SAVED; AUTHORIZATION TO PURCHASE AND CANCEL UNSATISFIED WARRANTS; PROCEDURE; LIMITATIONS; RIGHTS OF TRANSFEREES; FUNDS FOR PAYMENTS

Pub. L. 87-558, July 27, 1962, 76 Stat. 246, provided: “That sections 457, 473, and 2414-2446, inclusive, of the Revised Statutes, as amended [sections 782, 785, 791 to 808, and 821 to 835 of this title], and the Act of December 13, 1894 (28 Stat. 594) [section 783 of this title], are hereby repealed. Repeal of said laws shall not affect the