

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.

(July 31, 1876, ch. 246, 19 Stat. 121; 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.)

#### 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.

(R.S. § 2401; Aug. 20, 1894, ch. 302, § 1, 28 Stat. 423; 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.)

#### CODIFICATION

R.S. § 2401 derived from act May 30, 1862, ch. 86, § 10, 12 Stat. 410.

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References to “the Field Surveying Service” changed to “such agency as the Secretary of the Interior may designate” and “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.

#### § 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.)

#### CODIFICATION

R.S. § 2402 derived from Res. July 1, 1864, No. 60, 13 Stat. 414.

#### § 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.

(Feb. 24, 1909, ch. 180, 35 Stat. 645; 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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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.)

## 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.

**§§ 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,