

tem 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 sub-

mitted 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.)

Statutory Notes and Related Subsidiaries

ABOLITION OF OFFICE OF SURVEYOR GENERAL AND TRANSFER OF FUNCTIONS

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.

Executive Documents

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.

“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.

§ 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.)

Editorial Notes

CODIFICATION

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

§ 775. Omitted

Editorial Notes

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.