

### § 700. Private entry of lands forbidden; exceptions.

No public lands of the United States, except those in the State of Missouri, shall be subject to private entry. (Mar. 2, 1889, ch. 381, § 1, 25 Stat. 854.)

#### CALIFORNIA

R.S. § 2367, providing that when lands in California were withdrawn from the market, they should not thereafter be subject to private entry until they had been open to homestead and pre-emption settlers for 90 days, and again offered at public sale, was superseded by this section.

#### MISSOURI

According to the former General Land Office, there were no lands known to it in 1929 which could be subject to warrant location in the State of Missouri, see regulations of the Secretary of the Interior (circular 1115, Jan. 8, 1929), 43 CFR 131-1—131-2.

#### CROSS REFERENCES

Titles to lands in Missouri confirmed, see section 1153 of this title.

### Chapter 17.—RESERVATION AND SALE OF TOWN SITES ON PUBLIC LANDS

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#### § 711. Town sites to be reserved.

The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population. (R. S. § 2380.)

#### DERIVATION

Acts Mar. 3, 1863, ch. 80, § 1, 12 Stat. 754; Mar. 3, 1877, ch. 113, 19 Stat. 392.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270-13, 563, 722, 723, 724, 731, 1094 of this title.

### § 712. Reservations surveyed into lots.

When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the officer, as may be designated by the Secretary of the Interior, of the land office in the district in which the reservations may be situated, in accordance with the instructions of the Secretary of the Interior or such officer as he may designate. (R. S. § 2381; 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.)

#### DERIVATION

Act Mar. 3, 1863, ch. 80, § 2, 12 Stat. 754.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reference to "register", preceding "of the land office", was changed to "officer, as may be designated by the Secretary of the Interior,"; and reference to "Commissioner of the General Land Office" was changed to "Secretary of the Interior or such officer as he may designate", on authority of 1946 Reorg. Plan No. 3. See note under former section 1 of this title.

#### CROSS REFERENCES

Public lands not subject to private entry except in Missouri, see section 700 of this title and note thereunder.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270-13, 563, 722, 723, 724, 731, 1094 of this title.

#### § 713. Town or city sites.

In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall conform in size to local ordinances or accepted local standards for subdivision platting or, in the absence of such ordinances or standards, to standards prescribed by the Secretary of the Interior, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in

behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the Bureau of Land Management a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land district, a similar map and statement shall be filed with such officer as may be designated by the Secretary of the Interior, and at any time after the filing of such map, statement, and testimony in the Bureau of Land Management it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of \$10 for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale. (R. S. § 2382; 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; Aug. 24, 1954, ch. 904, § 1, 68 Stat. 792.)

## DERIVATION

Act July 1, 1864, ch. 205, § 2, 13 Stat. 343.

## AMENDMENTS

1954—Act Aug. 24, 1954, eliminated the maximum area limitations for townlots so that the size can conform to local standards.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

The two references to "General Land Office" were changed to "Bureau of Land Management", and the reference to "register," was changed to "such officer as may be designated by the Secretary of the Interior," on authority of 1946 Reorg. Plan No. 3. See note under former section 1 of this title.

## CROSS REFERENCES

Public lands not subject to private entry except in Missouri, see section 700 and note thereunder of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 715, 722, 723, 724, 731, 1094 of this title.

## § 714. Towns established on unsurveyed lands; extension limits.

When cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so

disposed of at public or private sale shall issue as in ordinary cases. (R. S. § 2383.)

## DERIVATION

Act July 1, 1864, ch. 205, § 3, 13 Stat. 344.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 723, 724, 731, 1094 of this title.

## § 715. Transcript maps not filed in twelve months.

If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the Bureau of Land Management a transcript map, with the statement and testimony called for by the provisions of section 713 of this title, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of 50 per centum on the minimum of \$10 per lot. (R. S. § 2384; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100.)

## DERIVATION

Act July 1, 1864, ch. 205, § 4, 13 Stat. 344.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Bureau of Land Management" was substituted for "General Land Office" on authority of 1946 Reorg. Plan No. 3. See note under former section 1 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 723, 724, 731, 1094 of this title.

## § 716. Repealed. Aug. 24, 1954, ch. 904, § 2, 68 Stat. 792.

Section, R. S. § 2385, related to size of lots or plat varying from general rule.

## § 717. Title to lots subject to mineral rights.

Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States. (R. S. § 2386.)

## DERIVATION

Act Mar. 3, 1865, ch. 107, § 2, 13 Stat. 530.

## CROSS REFERENCES

Town lots to be subject to recognized possession and necessary use of mineral veins possessed within their limits, see section 728 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 723, 724, 731, 1094 of this title.

## § 718. Entry of town authorities in trust for occupants.

Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, it is lawful, in case such town be incorporated,

for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated. (R. S. § 2387; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097.)

#### DERIVATION

Act Mar. 2, 1867, ch. 177, 14 Stat. 541; Act June 23, 1874, ch. 469, § 3, 18 Stat. 254.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 719, 721, 722, 723, 724, 731, 732, 1094, 1099, 1111, 1133 of this title.

#### § 719. When entry is to be made.

The entry of the land provided for in section 718 of this title shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a townsite shall be filed with the officer of the proper land office, as may be designated by the Secretary of the Interior prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land office may not have been established, such declaratory statements may be filed with the Secretary of the Interior or such officer as he may designate; who shall transmit the same to the Bureau of Land Management. (R. S. § 2388; 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.)

#### DERIVATION

Act Mar. 2, 1867, ch. 177, 14 Stat. 541; Act June 23, 1874, ch. 469, § 3, 18 Stat. 254.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Words "register of the proper land office," were changed to "officer of the proper land office, as may be designated by the Secretary of the Interior,;" "Field Surveying Service;" was changed to "Secretary of the Interior or such officer as he may designate,;" and "General Land Office" was changed to "Bureau of Land Management", on authority of 1946 Reorg. Plan No. 3. See note under former section 1 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 723, 724, 731, 1094, 1099, 1133 of this title.

#### § 720. Entry in proportion to number of inhabitants.

If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred,

and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed. (R. S. § 2389.)

#### DERIVATION

Acts Mar. 2, 1867, ch. 177, 14 Stat. 541; June 23, 1874, ch. 469, § 3, 18 Stat. 254; Mar. 3, 1877, ch. 113, §§ 2, 4, 19 Stat. 392.

#### CROSS REFERENCES

Withdrawal from public entry of lands for town sites with appropriate reservations for public purposes, see section 561 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 723, 724, 727, 731, 1094, 1133 of this title.

#### § 721. Acts of trustees.

Any act of the trustees not made in conformity to the regulations alluded to in section 718 of this title shall be void. (R. S. § 2391.)

#### DERIVATION

Act Mar. 2, 1867, ch. 177, 14 Stat. 541; Act June 23, 1874, ch. 469, § 3, 18 Stat. 254.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 723, 724, 731, 1094 of this title.

#### § 722. Title acquired to mines or mining claims.

No title shall be acquired, under the provisions of sections 711 to 715 and 717 to 721 of this title, to any mine of gold, silver, cinnabar, or copper; or to any valid mining claim or possession held under existing laws. (R. S. § 2392.)

#### DERIVATION

Acts Mar. 2, 1867, ch. 177, 14 Stat. 541; June 8, 1868, ch. 53, 15 Stat. 67; June 23, 1874, ch. 469, § 3, 18 Stat. 254.

#### CROSS REFERENCES

Towns or cities not to acquire title to any vein of gold, silver, cinnabar, copper, or lead, or to any mining claim or possession held under existing law, see section 728 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 724, 731, 1094 of this title.

#### § 723. Military or other reservations.

The provisions of sections 711 to 715 and 717 to 724 of this title shall not apply to military or other reservations made by the United States prior to March 2, 1867, nor to reservations for lighthouses, customhouses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land Office by title derived from the Crown of Spain, or otherwise. (R. S. § 2393.)

#### DERIVATION

Acts Mar. 2, 1867, ch. 177, 14 Stat. 541; Feb. 28, 1877, ch. 74, 19 Stat. 264.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 724, 731, 1094 of this title.

**§ 724. Inhabitants of towns on public lands; right to enter.**

The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections 718 to 720 of this title; and in addition to the minimum price of the lands embracing any town site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in said sections shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town sites set forth in sections 711 to 715 and 717 to 724 of this title. (R. S. § 2394.)

**DERIVATION**

Acts June 8, 1868, ch. 53, 15 Stat. 67; June 23, 1874, ch. 469, § 3, 13 Stat. 254.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 731, 1094 of this title.

**§ 725. Quantity of land excluded from homestead entry.**

The existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from preemption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town site under existing laws, unless the entire tract claimed or incorporated as such town site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes. (Mar. 3, 1877, ch. 113, § 1, 19 Stat. 392; July 30, 1886, ch. 818, § 1, 24 Stat. 170.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 726 of this title.

**§ 726. Town-site exceeding maximum; excess opened to settlement.**

Whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section 725 of this title, the Secretary of the Interior or such officer as he may designate may require the authorities of such town, and it shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from preemption homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and preemption laws. And upon default of said town authorities to make such selection within sixty days after notification by the Secretary or such officer, he may direct testimony respecting the actual location and extent of said improvements, to be taken by such officer as the Secretary of the Interior may designate of the district in which such town may be situated; and upon receipt of the same he may determine and set off the proper site according to section 725 of this title, and declare the remaining lands open to settlement and entry under the homestead and preemption laws. (Mar. 3, 1877, ch. 113, § 3, 19 Stat. 392; July 30, 1886, ch. 818, § 1,

24 Stat. 170; 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.)

**TRANSFER OF FUNCTIONS**

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office"; "Secretary or such officer." was substituted for "commissioner,"; and "such officer as the Secretary of the Interior may designate," was substituted for "register", on authority of 1946 Reorg. Plan No. 3. See note under former section 1 of this title.

**§ 727. Town-site less than maximum; additional entry.**

It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section 720 of this title to make such additional entry, or entries, of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries theretofore made will not exceed twenty-five hundred and sixty acres: *Provided*, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section 720. (Mar. 3, 1877, ch. 113, § 4, 19 Stat. 392.)

**CROSS REFERENCES**

Withdrawal from public entry of lands for town sites with appropriate reservations for public purposes, see section 561 of this title.

**§ 728. Town-site entries on mineral lands; title to minerals and claims not acquired.**

Town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant. (Mar. 3, 1891, ch. 561, § 16, 26 Stat. 1101.)

**§ 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, which authorized, with limitations, the sale of unreserved public lands to incorporated cities and towns for cemetery

and park purposes, is now covered by 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, which declared this section to be inapplicable to the Territory of Alaska, was likewise repealed by act June 14, 1926, ch. 578, § 5, as added by act June 4, 1954, ch. 263, 68 Stat. 175. Disposal of Alaskan public lands for public purposes are also covered by section 869 et seq. of this title.

**§ 730. Patents to transferees of town lots purchased at public sale.**

CODIFICATION

Section, 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.

**§ 731. Town-site laws extended to ceded lands in Minnesota.**

The provisions of sections 711 to 715 and 717 to 724 of this title are extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. (Feb. 9, 1903, ch. 531, 32 Stat. 820.)

**§ 732. Town-site entries in Alaska; trust for occupants; limitation of amount.**

Until otherwise ordered by Congress lands in Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section 718 of this title as near as may be; and when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section, whereby the same results would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed by the legislative authority of a State or Territory: *Provided*, That no more than six hundred and forty acres shall be embraced in one town-site entry. (Mar. 3, 1891, ch. 561, § 11, 26 Stat. 1099.)

CROSS REFERENCES

President authorized to withdraw, locate, and dispose of town sites along the lines of the railroad to be located and constructed in Alaska, see section 975b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270-13, 733, 735, 737 of this title.

**§ 733. Indian or Eskimo lands in Alaska set aside on survey of town site; deeds; restrictions; fee simple title.**

Where, upon the survey of a town site pursuant to section 732 of this title, and the regulations of the Department of the Interior under said section, a tract claimed and occupied by an Indian or Eskimo of full or mixed blood, native of Alaska, has been or may be set apart to such Indian or Eskimo, the town-site trustee is authorized to issue to him a deed therefore which shall provide that the title conveyed is inalienable except upon approval of the Secretary

of the Interior: *Provided*, That nothing herein contained shall subject such tract to taxation, to levy and sale in satisfaction of the debts, contracts, or liabilities of the patentee, or to any claims of adverse occupancy or law of prescription: *Provided further*, That the approval by the Secretary of the Interior of the sale by an Indian or Eskimo of a tract deeded to him under this section and section 735 of this title shall vest in the purchaser a complete and unrestricted title from the date of such approval. (May 25, 1926, ch. 379, § 1, 44 Stat. 629.)

JUNEAU INDIAN VILLAGE TOWNSITE

Pub. L. 88-34, May 29, 1963, 77 Stat. 52, provided: "That the Act of May 25, 1926 (44 Stat. 629) [sections 733 to 736 of this title], is hereby extended and made applicable to all lands of the Juneau Indian Village of Alaska, including uplands and filled in tidelands occupied on the date of this Act [May 29, 1963]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270-13, 734, 735, 736 of this title.

**§ 734. Extension of street or alley across Indian or Eskimo land in Alaska; reservation of area.**

Whenever the Secretary of the Interior shall determine that it would be to the interest of the Indian or Eskimo occupant of land described in section 733 of this title, he is authorized to extend the established streets and alleys of the town site upon and across the tract, and the deed issued to such occupant under said section shall reserve to the town site the area covered by such streets and alleys as extended. (May 25, 1926, ch. 379, § 2, 44 Stat. 630.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270-13, 736 of this title.

**§ 735. Survey of nonmineral public lands in Alaska into lots and blocks; deeds; restrictions.**

Whenever he shall find nonmineral public lands in Alaska to be claimed and occupied by Indians or Eskimos of full or mixed blood, natives of Alaska, as a town or village, the Secretary of the Interior is authorized to have such lands surveyed into lots, blocks, streets, and alleys, and to issue a patent therefor to a trustee who shall convey to the individual Indian or Eskimo the land so claimed and occupied, exclusive of that embraced in streets or alleys: *Provided*, That any patent or deed to be issued under this section shall be subject to all the provisions, limitations, and restrictions of section 733 of this title with respect to Indian and Eskimo claims to land occupied by them within the limits of town sites established or to be established under section 732 of this title. (May 25, 1926, ch. 379, § 3, 44 Stat. 630.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270-13, 733, 736, 737 of this title.

**§ 736. Regulations.**

The Secretary of the Interior is authorized to prescribe appropriate regulations for the administration of sections 733 to 735 of this title. (May 25, 1926, ch. 379, § 4, 44 Stat. 630.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 270-13 of this title.

**§ 737. Unrestricted deeds for town-site 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 735 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, or <sup>1</sup> 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.)

**§ 738. Zoning power in Alaska.**

The Legislature of the Territory of Alaska is authorized to exercise or to provide for the exercise of zoning power, through a Territorial Zoning Commission or otherwise, in town sites on the public lands of the United States in Alaska; except that such power shall not extend to lands or buildings while they are being utilized by, or to buildings or other structures while they are being constructed by or for, the United States. (July 24, 1947, ch. 305, 61 Stat. 414.)

**ADMISSION OF ALASKA AS STATE**

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 8, 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.

**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.  
 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.

<sup>1</sup> So in original.

- Sec.  
 775. Acceptance of contributions for costs of administration, management, and protection of lands, and for surveying federally controlled or intermingled lands.

**§ 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