

Of a Survey on Section.....T.....R.....E. of the 4 P. M. in.....Township

Rock County, Wisconsin, made.....AVGUST.....the.....2.....19 2000

I hereby certify that the following is a correct record of said survey as made by me.

*Donald Barnes*

County Surveyor.

February 14, 2000

Stephen G. Kopach  
Chief Cadastral Surveyor  
ELM Eastern States Office  
7450 Boston Boulevard  
Springfield, Virginia 22153

Dear Steve:

There are several counties in Wisconsin whereby double PLSS corners are being encountered on township exteriors; primarily the north line and lying between the standard correction parallels originally established by GLO.

It appears as if the fractional section lines were simply closed and then monumented upon the involved township lines, with a field note entry of the measured offset to the nearest previously established corner; in many instances, county and local surveyors have reported distances of only a few feet between such double corners!

Is it possible that during the extension of the original surveys, there was a period whereby instructions were issued to the deputy surveyors to cause such double corners at the terminus of the random fractional section lines in lieu of returning a correction line from the section corner previously set on the township exterior in normal accord with general instructions? Or is it evident that perhaps certain contracted deputy surveyors had merely surmised such double corner effect as standard procedure?

It may also be possible that certain early county or local surveyors had set the double corners in conflict during their retracement subsequent to the original government survey.

Your assistance to clarify the foregoing from your available records and expertise will be greatly appreciated.

With kindest regards,

William C. Rohde

WCR/wcr

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Eastern States

7450 Boston Boulevard  
Springfield, Virginia 22153

<http://www.blm.gov/eso>

March 29, 2000

William C. Rohde  
Professional Land Surveyor  
P.O. Box 487  
Boulder Junction, Wisconsin 54512

Dear Mr. Rohde:

This replies to your letter dated February 14, 2000, concerning the establishment of closing corners on township exteriors in Wisconsin GLO surveys. Please excuse the delay in responding to your request; as you are likely aware government offices such as ours have been severely cut back in recent years in terms of personnel and budget.

Some insight into the situation is gained through the history of the Surveyors General responsible for the surveys in Wisconsin. It appears that when Wisconsin became a Territory on April 20, 1836, the public land surveys therein were under the direction of the Surveyor General in Cincinnati, Ohio. This continued until the appointment of a Surveyor General for Wisconsin and Iowa on June 28, 1838. The office was established in Dubuque, Iowa, but not until February 1839.

General Instructions from the Surveyor General of Ohio called for establishing closing corners at the intersection with the township boundary. This practice appears to have remained in effect until April 22, 1848, when Lucius Lyon, Surveyor General issued Special Instructions to Deputy Surveyor. Lyon instructed Mullet to follow the General Instructions with the exceptions noted in the Special Instructions. One of the exceptions was to run random and true lines into the North and West boundaries of the townships.

General Instructions from the Surveyor General of Wisconsin and Iowa, issued May 28, 1846, call for running random and true lines into the North and West boundaries of the townships.

Given the above history, one could infer that for at least a 10 year period, Deputy Surveyors subdividing townships in Wisconsin would have been under direction of Surveyors General to establish closing corners on the North and West township boundaries.

It was also common for Deputy Surveyors, having surveyed under the direction of one Surveyor General, to migrate with the progress of the surveys getting contracts under other Surveyors General. The Deputy Surveyors' knowledge of how to execute the original surveys may not have been in accord with the direction of the current Surveyor General and likely not brought to light until after the surveys had been completed. With the great pressure of the day to complete surveys, the Surveyor General, rather than demand corrections to comply with the current instructions or policies, accepted and approved the surveys.

Whether or not the original surveys were executed in strict compliance with the Instructions is immaterial if the survey was approved and land patents passed with reference thereto. The Act of February 11, 1805 established that the original corners control as well as the original measurements and acreage. All of which has been thoroughly upheld by the courts. The landmark Supreme Court decision of Cragin v. Powell, 128 U.S. 691 (1888), clearly established that the original monuments and the resultant lines connecting these corners, established by the government survey, control the boundaries of lands that were patented by the United States. There are no legal provisions to correct original surveys through the courts or judicial department of the government. The latter would also apply to county or local surveyors.

If you have any further questions regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,  
Stephen G. Kopach  
Chief Cadastral Surveyor  
Eastern States