

ARCH CAPE, OREGON 97102

July 4, 1964

Mr. Lester E. Fultz,
Colverdale, Oregon.

Dear Mr. Fultz:

The information that you transmitted to me, by phone and letter, that the $\frac{1}{4}$ corner as I set it, is not on the line between the section corners, is not news. It was not claimed nor intended to be, precisely for the reason that the original surveyor did not claim that it was. The rules for re setting lost corners say nothing about trying to discern the "intent" of the original survey, as you suggest. On sober second thought, I believe you would agree on the wisdom of this. After 75 or 100 years, who is to say what was the "intent"? For this particular line, you have your idea; my idea is entirely different. Not that it makes any difference, but MY idea of his intent is that he intended to complete his contract with as little work as he figured he could get away with, and get back to Portland and collect his money.

The whole meaning of the rules, as I get them from years of study and personal explanation by the Cadastral Engineer office, is NOT to attempt to guess the INTENT of the original surveyor, but to reproduce what he actually DID. Where we are fortunate, and can find physical evidence of the corners he set, this objective automatically is accomplished by the rule requiring us to use the corner WHERE WE FIND it, disregarding that we may find it either not WHERE IT SHOULD HAVE BEEN SET, according to his pre issued orders for procedure, nor WHERE HE SAID he set it. But when we cannot find physical evidence of the corner, we have to reproduce what he SAID he did, only making the prescribed adjustments for his errors of performance. In the case of a normally completed mile, with a starting and an ending corner, and distances stated both for the whole line and the half, or whatever, to the $\frac{1}{4}$ corner, we put the $\frac{1}{4}$ corner on the straight line and at his stated proportion of the whole distance. But in the case of an unfinished mile, with only one controlling corner, as is this 35/36 line, we are equally bound to do what he SAID he did, and definitely he DID NOT say that he set the $\frac{1}{4}$ corner on the straight line, nor midway. All he said was that he set it at a point SOUTH 40.00 chains. The Surveyor General accepted his notes for this line, and they became and are the official survey, and you and I have no authority to second guess them. Accordingly, what I have done is to replace this $\frac{1}{4}$ corner where he said he put it, at SOUTH 40 chains.

I enclose copy of my report of this corner re set, as I have filed it in the office of the Tillamook County Surveyor. I also enclose copy of my letter to the Cadastral Engr. asking for confirmation of my interpretation of the rules, and his reply. The second paragraph of the reply, in which it is pointed out that there were errors in the work of the original surveyor, Wright, and that these errors consist of "sometimes chained a little short and ran a little to the left", would seem to give me license to juggle the true line "a little" LONG and to the RIGHT. As I understand the local situation, to move the $\frac{1}{4}$ corner with more chainage, or south, and more to the right, or West, would give you less and Place more land. My idea is that the the writer of this letter added this paragraph because the Manual also mentions the matter. I have not done enough work re running Wright's survys to become familiar with his pattern of error, as apparently the US office has; on the work of some other surveyors in other townships, I have studied their notes and followed them out enough to become aware of a consistent pattern of error. Once such a pattern becomes apparent, it is extremely useful in order to get yourself in the right place to find corners which you cannot find by looking where the notes seem to say they were put. But to use such a pattern to actually strengthen the figures given in the notes always seemed to me to be assuming more wisdom than could be justified. I know of no statistics that would enable me to determine how much is "a little" extra chainage, or "A little" to the the right, I chose to ignore this permission given in this letter, and put

the $\frac{1}{4}$ corner at SOUTH 40.00 chains, period. However, if you feel that this adjustment they suggest should be made, I invite you to suggest just how much the $\frac{1}{4}$ corner should be adjusted with more chainage, or to the South, and more to the right, or West.

BOOK 2

568 Yours very truly,

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W. A. Marichan

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