

## HISTORY OF THE COUNTY SURVEYOR

THE COUNTY SURVEYOR HAS A HISTORY THAT IS OLDER THAN THE STATE ITSELF. IT'S A HISTORY THAT DATES FROM THE TIME OF THE NORTHWEST TERRITORY. FROM THE 'LAWS OF THE NORTHWEST TERRITORY-1796'; THERE IS A LAW FOR THE PARTITION OF LANDS, ADOPTED FROM THE NEW YORK CODE AND PUBLISHED AT CINCINNATI IN JULY 17, 1795, WHICH STATES 'THAT THREE COMMISSIONERS NOT INTERESTED IN SUCH TRACT, ONE OF SAID COMMISSIONERS SHALL BE SWORN AS SURVEYOR, WHICH SURVEYOR SHALL RECEIVE TWENTY EIGHT SHILLINGS PER DAY FOR HIS SERVICES'. TERRITORIAL GOVERNMENTS HAD NO LEGISLATIVE POWERS FOR THE FORMATION OF LAWS, BUT WERE INSTEAD ALLOWED TO ADOPT ANY LAWS NECESSARY FROM ONE OF THE EXISTING STATES.

## PRIOR TO STATEHOOD

THE AREA WE NOW KNOW AS INDIANA EXISTED AS THE INDIANA TERRITORY. A LAW ADOPTED IN 1802 FROM THE VIRGINIA CODE SAID IN PART...'A SURVEYOR SHALL BE APPOINTED IN EVERY COUNTY AND COMMISSIONED BY THE GOVERNOR'. THIS NEW COUNTY SURVEYOR WAS TO BE PAID BY THOSE WHO USED HIS SERVICES AND A FEE SCHEDULE WAS ADOPTED, ONCE AGAIN FROM VIRGINIA...

*"FOR EVERY SURVEY BY HIM PLAINLY BOUNDED, AS THE LAW DIRECTS, AND FOR A PLATT (SIC) OF SUCH SURVEY AFTER DELIVERY OF SUCH PLATT, WHERE THE SURVEY SHALL NOT EXCEED FOUR HUNDRED ACRES OF LAND...\$5.25*

*FOR SURVEYING A TOWN LOT...\$0.25*

*AND WHERE A SURVEYOR SHALL BE STOPPED OR HINDERED FROM FINISHING A SURVEY BY HIM BEGUN, TO BE PAID BY THE PARTY WHO REQUIRED THE SAME TO BE SURVEYED...\$2.62*

*FOR RUNNING A DIVIDING LINE...\$2.10*

*FOR SURVEYING AN ACRE OF LAND FOR A MILL...\$1.05  
FOR EVERY SURVEY OF LAND FORMERLY PATENTED, AND WHICH  
SHALL BE REQUIRED TO BE SURVEYED, AND FOR A PLATT  
THEREOF DELIVERED AS AFORESAID THE SAME FEE AS FOR LAND  
NOT BEFORE SURVEYED, AND WHERE A SURVEY SHALL BE MADE  
OF ANY LANDS WHICH ARE TO BE ADDED TO OTHER LANDS IN AN  
INCLUSIVE PATENT, THE SURVEYOR SHALL NOT BE PAID A SECOND  
FEE FOR THE FIRST SURVEYED, BUT SHALL ONLY RECEIVE WHAT  
THE SURVEY OF THE ADDITIONAL LAND SHALL AMOUNT TO.  
AND WHERE ANY SURVEYS HAVE BEEN ACTUALLY MADE OF  
SEVERAL PARCELS OF LAND ADJOINING, AND SEVERAL PLATTS  
DELIVERED, IF THE PARTY SHALL DESIRE ONE INCLUSIVE PLATT  
THEREOF, THE SURVEYOR SHALL MAKE OUT SUCH PLATT  
FOR...\$1.05*

*FOR RUNNING A DIVIDING LINE BETWEEN ANY COUNTY OR  
TOWNSHIP, TO BE PAID BY SUCH COUNTIES”*

THIS METHOD OF PAYING THESE NEW COUNTY SURVEYORS  
PRODUCED A PHILOSOPHY THAT WOULD LAST IN PART FOR OVER  
140 YEARS, UNTIL 1943. THAT PHILOSOPHY WAS THAT THE COUNTY

SURVEYOR WAS TO RECEIVE NO OTHER COMPENSATION FOR HIS SERVICES, WHICH WAS INITIALLY FOR THE PRIVATE SECTOR.

### STATEHOOD

INDIANA BECAME A STATE IN 1816, AND THE FIRST LEGISLATURE CREATED THE BEGINNINGS OF COUNTY GOVERNMENT AND ELECTED COUNTY OFFICIALS. THE FIRST ELECTED COUNTY OFFICIALS WERE: 1) TWO ASSOCIATE JUDGES

2) ONE CLERK OF THE CIRCUIT COURT

3) ONE RECORDER

4) THREE COMMISSIONERS

THERE WAS NO MENTION OF A COUNTY SURVEYOR, EVEN THOUGH THERE WAS AN APPOINTED TERRITORIAL SURVEYOR. THE SECOND LEGISLATURE IN 1817 HOWEVER RECOGNIZED THIS MISTAKE AND A LAW WAS PASSED CREATING THE OFFICE OF THE COUNTY SURVEYOR, WHICH PROVIDED FOR HIS APPOINTMENT BY THE GOVERNOR. THAT METHOD OF SELECTING COUNTY SURVEYORS WOULD REMAIN IN PLACE UNTIL 1831. AFTER THAT DATE, THE

COUNTY COMMISSIONERS WOULD APPOINT THE COUNTY SURVEYOR.

THERE WERE NO SIGNIFICANT CHANGES IN THE DUTIES OF THE COUNTY SURVEYOR UNTIL 1829. THE 14TH LEGISLATURE PASSED LEGISLATION THAT BEGAN TO DEFINE THE COUNTY SURVEYOR THAT WE KNOW TODAY. SOME OF THOSE DUTIES WERE:

1) PROCURE FROM THE REGISTER OF THE LAND OFFICE ...THE FIELD NOTES ...AS ORIGINALLY SURVEYED AND DEPOSIT THE SAME IN THE **RECORDERS OFFICE**;

2) WHEN ANY PERSON ...WHO WISHES TO PERPETUATE A CORNER...SHALL CALL UPON THE COUNTY SURVEYOR. THE COUNTY SURVEYOR SHALL PROCEED TO RELOCATE SUCH CORNER OR CORNERS BY DEPOSITING IN THE PLACE WHERE THE ORIGINAL STAKE OR CORNER STOOD, A STONE OR SOME OTHER DURABLE MATERIAL, WHICH IF OF TIMBER SHALL BE DEPOSITED TWO FEET IN THE EARTH, AND PRESENT ONE FOOT ABOVE THE SURFACE...(IN 1843 THE USE OF TIMBER WAS REMOVED). THE ORIGINAL GOVERNMENT SURVEY MONUMENTS WERE WOODEN

POSTS AT LEAST THREE INCHES IN DIAMETER AND RISE NOT LESS THAN THREE FEET ACCORDING TO TIFFIN INSTRUCTIONS OF 1815. THIS IS THE FIRST MENTION OF 'STONE' BEING USED AS A MONUMENT.

3) FOR WHICH SERVICES...THE SURVEYOR SHALL BE ALLOWED IN ADDITION TO HIS USUAL FEES...THE SUM OF ONE DOLLAR FOR EACH CORNER THUS LOCATED...

4) THE FIELD NOTES OF THE SURVEY, OF ANY SECTION, QUARTER SECTION, OR ANY OTHER TRACT OF LAND ...SHALL BE RECEIVED AS PRIMA FACIE EVIDENCE WHEN PROPERLY RECORDED IN THE OFFICE OF THE RECORDER (PRIMA FACIE EVIDENCE IS EVIDENCE GOOD AND SUFFICIENT ON ITS FACE; SUCH EVIDENCE AS, IN THE JUDGEMENT OF THE LAW, IS SUFFICIENT TO ESTABLISH A GIVEN FACT, OR THE GROUP OR CHAIN OF FACTS CONSTITUTING THE PARTY'S CLAIM OR DEFENSE, AND WHICH IF NOT REBUTTED OR CONTRADICTED WILL REMAIN SUFFICIENT).

IT WAS NOT UNTIL 1833 THAT THE COUNTY SURVEYOR WAS REQUIRED TO KEEP A COPY OF THE ORIGINAL FIELD NOTES IN **HIS** OFFICE. (THIS OF COURSE DID NOT PRECLUDE HIM FROM

ALREADY HAVING A SET IN HIS OFFICE.) ALSO IN 1833 THE TERM OF THE COUNTY SURVEYOR WAS SET AT THREE YEARS. AN ANOMALY TO THIS OCCURRED IN 1845 WHEN THE LEGISLATURE ALLOWED ORANGE COUNTY AN ELECTION OF A COUNTY SURVEYOR WITH A TERM OF TWO YEARS.

SEVEN YEARS LATER THE STATE CONSTITUTION WAS RE-WRITTEN AND THE COUNTY SURVEYOR WENT FROM AN APPOINTED POSITION TO A CONSTITUTIONAL OFFICE (AN ELECTED OFFICE) WITH A TERM OF TWO YEARS. THE TWO YEAR TERM WOULD REMAIN IN AFFECT UNTIL 1969 WHEN IT WAS CHANGED TO THE CURRENT FOUR YEAR TERMS.

THE INDIANA CODE OF TODAY PROVIDES THAT THE 'SURVEY BY THE SURVEYOR CONSTITUTES PRIMA FACIA EVIDENCE IN FAVOR OF THE CORNERS AND LINES IT ESTABLISHES. THIS LANGUAGE IS DIRECTLY TRACEABLE TO THE 1829 INDIANA CODE AND GIVES THE WEIGHT OF AUTHORITY TO THE SECTION CORNERS ESTABLISHED BY THE COUNTY SURVEYORS~AS DIRECTED BY LAW.

THE COUNTY SURVEYOR WASN'T THE ONLY PUBLIC OFFICIAL INVOLVED IN SECTION CORNER PERPETUATION. IN 1885, THE

HIGHWAY SUPERVISOR WAS ALLOWED TO REMOVE THE CORNER STONES AND SINK THEM VERTICALLY INTO THE GROUND. TO DO THIS, ALL THE HIGHWAY SUPERVISOR HAD TO DO WAS GIVE PROPER NOTICE TO THE ADJOINERS OF THE APPOINTED DAY. IF THE ADJOINERS FAILED TO APPEAR, THE SUPERVISOR SHALL CALL UPON THE TOWNSHIP TRUSTEE TO WITNESS THE PROCEEDINGS.

MOST OF THE LEGISLATION AFFECTING COUNTY SURVEYORS IN MATTERS REGARDING 'LAND SURVEYING' WERE WELL ESTABLISHED BY THE TURN OF THE CENTURY. AFTER THE TURN OF THE CENTURY, MOST OF THE LEGISLATION DEALT WITH MONEY. IN 1943 THE FEE SCHEDULE IN EFFECT SINCE 1875 WAS REPEALED. THE LEGISLATURE BEGAN TO SET SALARIES BY CLASS OF COUNTY OR CLASS OF CITY. THE LEGISLATURE CONTINUED TO SET SALARIES UNTIL HOME RULE WAS ADOPTED IN 1975. THE LEGISLATURE DID HOWEVER ALLOW FOR REGISTERED CIVIL ENGINEERS TO RECEIVE A SALARY IN THE AMOUNT OF 1.5 TIMES THE AMOUNT DESCRIBED IN 1943. THE MULTIPLIER OF 1.5 FOR REGISTERED VERSES AN UNREGISTERED PERSON IS STILL IN



EFFECT TODAY. WITH THE INTRODUCTION OF HOME RULE HOWEVER, THERE WAS NO LONGER A LEGISLATIVE BASE SALARY. ALSO IN 1943, IF THE COUNTY SURVEYOR SERVED AS THE HIGHWAY SUPERINTENDENT, HE WAS ENTITLED TO THE HIGHWAY SUPERINTENDENTS SALARY. HE WAS NOT HOWEVER ENTITLED TO BOTH SALARIES. SOME OTHER NOTES OF INTEREST IN THE CONTINUING EVOLUTION OF US AS COUNTY SURVEYORS IS OUR APPOINTMENT TO THE PLAN COMMISSION IN 1947. IN 1961 AN ELECTED OR APPOINTED COUNTY SURVEYOR SERVING IN OFFICE COULD SECURE REGISTRATION AS A LAND SURVEYOR IF HE HAD BEEN IN OFFICE CONTINUOUSLY FOR FIVE YEARS. THERE ARE TWO OTHER EVENTS WHICH HELPED SHAPE TODAY'S COUNTY SURVEYOR. BOTH OCCURRED IN 1965. THEY WERE HOUSE BILL 1368 WHICH LATTER BECAME KNOWN AS THE SECTION CORNER PERPETUATION ACT WHICH REQUIRED THAT 5% OF THE SECTION CORNERS BE PERPETUATED PER YEAR. SECONDLY WAS THE DRAINAGE ACT OF 1965 WHICH AMONG OTHER THINGS ALLOWED FOR THE ASSESSMENT FOR THE REPAIR OF DITCHES. COUNTY SURVEYORS HAVE BEEN EVOLVED IN DRAINAGE FOR A

LONG TIME. AS EARLY AS 1881 THE COUNTY SURVEYOR HAD THE AUTHORITY TO ORDER THE REMOVAL OF OBSTRUCTIONS IN REGULATED DRAINS. HE ALSO WAS THE EX-OFFICIO COMMISSIONER OF DRAINAGE. IT IS INTERESTING TO NOTE THAT THE COUNTY COMMISSIONERS HAVE ALWAYS HAD AUTHORITY OVER DRAINAGE. THE COUNTY COMMISSIONERS IN 1887 EVEN HAD THE AUTHORITY TO STRAIGHTEN OR CHANGE THE COURSE DIRECTION OR LOCATION OF ANY BODY OF WATER.

BY 1903 THE LEGISLATURE HAD EXPANDED THE AUTHORITY OF THE COUNTY SURVEYORS INVOLVEMENT IN DRAINAGE. HE NOW WAS ALLOWED TO CLEAN AND REMOVE OBSTRUCTIONS ON ANY SMALL NON-NAVIGATABLE STREAM NOT EXCEEDING 75 FEET BETWEEN BANKS. IF THE LAND OWNER REFUSED, THE COUNTY SURVEYOR WOULD HAVE THE OBSTRUCTION REMOVED AND THE COST PASSED ON TO THE OWNER IN THE FORM OF HIGHER PROPERTY TAXES THE FOLLOWING YEAR.

INTERESTING FACTS:

ROGER SHERMAN WAS A COUNTY SURVEYOR IN CONNECTICUT FROM 1745 TO 1758. HE IS THE ONLY PERSON TO SIGN ALL FOUR OF THE DOCUMENTS USED IN FOUNDING THE UNITED STATES OF AMERICA; THE ARTICLES OF ASSOCIATION (1774), THE DECLARATION OF INDEPENDENCE (1776), THE ARTICLES OF CONFEDERATION (1781), AND THE CONSTITUTION (1787).

THOMAS JEFFERSON WAS THE COUNTY SURVEYOR OF ALBEMARLE COUNTY, VIRGINIA.

GEORGE WASHINGTON WAS THE COUNTY SURVEYOR OF CULPEPPER COUNTY WHEN HE WAS 17 YEARS OLD.