

History of Surveying in Wisconsin

After the American Revolution, each of the colonies granted the newly formed federal government all of the lands outside their present boundaries. All of this vast territory became part of the “public domain”. The first enactment, in regard to the surveying of public lands, was an ordinance passed by the congress of the Confederation on May 20, 1785, prescribing the mode for the survey of the "Western Territory", which provided that said territory should be divided into townships of 6 miles square. Subsequent revisions and additions were passed to provide for the subdivision of the public lands into quarter quarters. In the survey of Wisconsin, the southern boundary of parallel of 42° 30' north latitude was taken as a base line and other parallels, called township lines, were run east and west across the state at intervals of 6 miles.

Another set of lines, called range lines, were run north and south, also at intervals of 6 miles, beginning with a meridian known as the “Fourth Principle Meridian” which extends across the state from a point on Lake Superior near the mouth of the Montreal River. These township boundaries were surveyed from a period beginning in 1832 and extending through 1861. The interior of the townships were divided between the years of 1832 and 1873.

A point of interest in Wisconsin, is that in a number of counties, surveyors must retrace title lines as they were intended in the French claims, military preserves and Indian lands, which predate the rectangular system of surveying of surveying mentioned above. All land sold by the United States Government were sold according to the government survey thereof, as staked and marked on the ground. The confounding of the theoretical section of 640 acres with the section as actually staked out on the ground is one of the largest sources of errors in the description of lands in deed of conveyance. Law, through the years, has held that the boundaries of the public lands established by the duly appointed surveyors, when approved by the Surveyor General and accepted by the commissioners of the General Land Office, are unchangeable, and further, the original township section and quarter sections corners established by the surveyors must stand as the true corners which they were intended to represent, whether in place or shown by the field notes.

When the surveying started, Wisconsin was still part of the Michigan Territory, a vast wilderness covered with dense forest with very few white men as inhabitants. The surveyor had nothing but a simple compass to guide him, which being an excellent instrument to distinguish north from south or east from west, is not an instrument any surveyor would like to rely upon when accuracy was required. The chains used in measurement were of various lengths and were continually changing in length from wearing or opening of links.

By the law of July 31, 1830, each county in the Territory of Michigan was to be a surveying district with a surveyor appointed and commissioned by the Governor. With the organization of Wisconsin Territory, the surveyor's office was continued by authority of the congressional act which provided that all laws in force in the Territory of Michigan, if not incompatible with the provisions of the act, were to be extended over the Wisconsin Territory, subject to modification or repeal of the Wisconsin Territory legislative assembly. The statutes of 1839 made the office of the District Surveyor elective for a two-year term. With the granting of statehood to Wisconsin in 1848, a provision in the Constitution was made for all laws to remain in force until their expiration or modification and repeal by the legislature. Thus the office of District Surveyor remained and since 1849, has been designated as County Surveyor, a constitutional office.

What has happened to the public land survey since the original government survey?

When Wisconsin became a state, the survey records were turned over to the state government. State law gave the County Surveyor the responsibility of the preservation of the government survey and all the records of the survey. It was generally expected that the townships would preserve the corners already marked by having them monumented with more durable material by the County Surveyor. In many counties, this was sadly neglected. Because of this neglect of the perpetuation of the government surveys, the County Surveyor now faces a difficult task in the preservation of the original land system corners. When the location of any government corner is lost, and before any legal survey can be made in the area controlled by that corner, it must be re-established, as nearly as

possible, in its original position, according to rules prescribed by the U. S. Department of the Interior. In many cases, this proves to be very time-consuming and expensive.

Man has been erecting monuments to mark land ownership for thousands of years. In Biblical times, persons were stoned to death for the removal or disturbance of any landmark. Today, Wisconsin Statutes provide that a fine of up to \$1,000 or imprisonment in the county jail for not more than one year may be ruled against any person who disturbs, destroys, or covers up any landmark of record. Land valuation, together with population is progressing at an ever increasing rate; is therefore, most important, that land marks be preserved in a manner consistent with such a trend.

This is the origin and a brief background of the public land survey. The United States, as original owner, caused all lands to be surveyed. The plan of subdivision, based on the rectangular system, was simple. The original surveys were conducted under the direction of public law, monuments were placed on the land, and written documents were placed on public record in what became our counties over a century ago.

As technology changes and Geographic Information Systems (GIS) advance, the need for a County Surveyor becomes necessary to interpret difficult legal boundary issues, solve survey related problems and to guide the proper use of GIS. This Handbook is intended to serve as a guide and reference book for the new County Surveyor, existing County Surveyor, and County Boards who may need assistance in setting up a County Surveyor Program.