

PROBLEMS IN PROPERTY-LINE SURVEYS

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There are innumerable problems that we as county surveyors have to face day by day, the solution of which cannot be gleaned from mere theory alone. This is true especially in problems dealing with property-line surveys. Each county has its peculiar difficulties and differences in this field. This discussion is confined to property-line surveys in Knox County.

Where the city of Vincennes is now, a French trading post was established by Sieur de Vincennes in 1697. It remained a trading post until 1733, when it became a settlement. At that time each settler was granted a strip of land varying in size from one to three arpens wide facing the Wabash River. Each strip was from one to one and one-half miles long. These strips were called "surveys" and were laid out in two different plats, leaving approximately 285 acres running lengthwise between the two in which the Fort was situated. These two plats are to this day known as the "Upper Prairie Surveys" lying to the north of the Fort, and the "Lower Prairie Surveys" lying to the south. The bearings of these two surveys are in no way alike. The reason for laying it out in just this way was to have the Fort as near as possible to each family and so more accessible during the oft-repeated Indian raids.

Later on, another plat lying south and east of the "Lower Prairie Surveys" was settled and called the "Cathlinette Surveys," "Cathlinette" being the French word for wild raspberries. There were no set bearings or sizes or no uniformity of any kind in this survey.

South of the "Lower Prairie Surveys" and west of the "Cathlinette Surveys" was laid out another survey called the "St. Mary's Racine". This, named for John Baptiste Racine whose alias was St. Mary's Racine, differed entirely in bearings and sizes from the other surveys. At this time there were no monuments except blazed trees and an occasional stone. Many of our present-day descriptions date back to the old French descriptions specifying a certain tree which no longer exists and has never been replaced with any other marker. Old French terms were used, such as arpens, meaning in linear measure $192\frac{1}{2}$ feet and in square measure .85 of an acre, perch, meaning a rod, and pole, which may be either one rod or two rods. Where there is quite a discrepancy in a description, it is difficult to check and find the errors.

About 1764 this territory came under control of the English government and remained so until the capture of Post Vincennes by George Rogers Clark in 1779, one of the most important events in the development of the Northwest Territory.

Arthur St. Clair, the President of Congress, was appointed governor of the new territory and given orders to proceed as soon as possible to Vincennes and to organize a regular county government and to adjust the troublesome land claims. Governor St. Clair sent Winthrop Sargent to Vincennes while he was called back to Ft. Washington for a consultation with General Harmar.

On his arrival at Vincennes, Secretary Sargent found a complication of land claims that defied settlement. The depository for orders of the Commandant during the period of French and English control had been the notary's office. The loose scraps of paper on which concessions of land had been made were lost, trifled with, or stolen. At this time, land speculators tried to do a rightful property owner out of his property, and they sometimes succeeded, as only about one out of twenty could produce a clear title. On this account, acting Governor Sargent was unable to do justice immediately in many cases.

As was remarked in Mr. Sargent's report to Congress, many of these settlers, especially the French settlers, who had obtained the land and by their own labor had made their farms valuable, should not be dispossessed even though no definite bounds could be determined.

On the strength of this report, Congress passed an act on March 3, 1791, confirming a grant, previously made, of 400 acres to every head of a family residing in this area. Besides these grants to heads of families, of whom there were one hundred and forty-three, the act confirmed the grants made to actual settlers by the Piankeshaws and the grant of 5,000 acres to the town of Vincennes, known as the Commons. The officials then proceeded to lay out a tract of land called "Donation Block" to be subdivided into plats of 400 acres each, these to be granted to the grantees named in the Act of Congress in 1791. These plats were called "donations," of which there were two hundred and forty-six, each donation having bearings of "North $51\frac{1}{4}$ degrees East" and "South $38\frac{3}{4}$ degrees East" and being in size 60 chains by $66\frac{2}{3}$ chains. Sixteen of these had the same bearings but differed in size, being 50 chains by 80 chains.

This act provided for the specified 143 settlers (heads of families) and also for settlers who had in good faith settled in this block. These were to be given the same acreage elsewhere; however, most of them, still fearing Indian attacks, stayed within a few miles of this area. Their tracts were called "locations" and were of all shapes, sizes, and bearings. Each was allowed to choose and lay out his own location. These were numbered in rotation as applied for by the grantee. Their official names were Location One, Location Two, Location Three, etc., until the number of locations reached 305. These locations were not laid off together. One

might be in Illinois or one might be in Daviess County, Indiana. I know there are some in Gibson County.

In 1800 Congress passed an act to form the Territory of Indiana and appointed William Henry Harrison as its first governor. Governor Harrison chose Vincennes as the Territorial Headquarters, since most of the 5,000 inhabitants of Indiana at that time lived in or near Vincennes.

The irregular and haphazard way the community had been laid out gave Governor Harrison much to worry about; so he asked the government to send surveyors here to help clear up the inconsistency as much as possible. Knox County was finally laid out, but with no sense of uniformity, since these donations, locations, etc., had to be taken into consideration. It was done, as much as possible, in the section form.

The grant made to the town of Vincennes and known as the commons was for a long time used as a public pasture ground. As the town grew and attained its own town government, the commons was subdivided into three divisions known as Vincennes Commons Lands (A), (B), and (C). These were divided into (A) 5-acre tracts, (B) ten-acre tracts, and (C) 20-acre tracts, and were sold to individuals by the town of Vincennes.

One can see by this resume of the history of Knox County and how it was platted, the difficulties a surveyor might encounter in his work, particularly with property-line surveys. Another difficulty facing a Knox County surveyor is the lack of records. When our courthouse burned in 1814, many records were lost, especially those pertaining to monument witnesses, leaving only the old government plats for reference. These are not of much use in finding stones since the original witnesses are no longer in existence.

Until recent years property owners were negligent as to their property lines. Since the value of land has increased because of the minerals, and especially since the oil boom hit our county, they are aware of the need of having their lines definitely established. Of course, the law of adverse possession can clear many of these, but in a great many cases where no fences exist and where no definite proof can be obtained so as to apply the law of adverse possession, the surveyor is nonplussed.

With the present strict requirements for land transactions, one finds it necessary to check all surrounding descriptions very carefully, even to the extent of their closings, and sometimes one has to perform even the duties of an abstractor to find who owns what.

In land surveying, as well as in any other profession, one is compelled to use his education, experience, and ingenuity in solving all its problems.