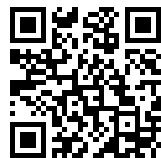

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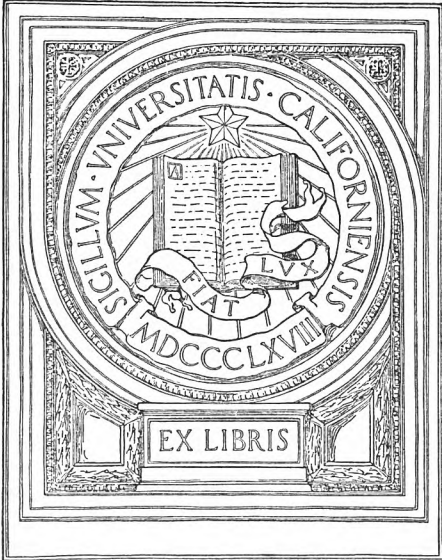
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DOCUMENTS
DEPT.

IN MEMORIAM
George Davidson
1825-1911



Professor of Geography
Univ. of California

corrected
1/4/10

Compendium
July 16/10

U.S. General Land Office

SPECIAL INSTRUCTIONS

TO

U. S. DEPUTY SURVEYORS,

BY THE

SURVEYOR GENERAL OF CALIFORNIA.

U. S. SURVEYOR GENERAL'S OFFICE,
DISTRICT OF CALIFORNIA.

SPECIAL INSTRUCTIONS

TO

U. S. DEPUTY SURVEYORS

BY THE

SURVEYOR GENERAL.



SAN FRANCISCO:

PRINTED AT THE OFFICE OF THE ENGINEER OF THE PACIFIC.

1879.

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U. S. SURVEYOR-GENERAL'S OFFICE.
DISTRICT OF CALIFORNIA.

To the U. S. Deputy Surveyors :

SAN FRANCISCO, April 24th, 1879.

Your attention is particularly directed to Sections 2395, 2396, 2397, 2398, 2399, 2412 and 2413 of Chapter IX, Title XXXII, of the Revised Statutes of the United States, and to the Manual of Surveying Instructions, dated 22d February, 1855, and Supplemental Instructions, dated June 1st, 1864, issued by the Hon. Commissioner of the General Land Office, and you will be required to conform strictly to all the requirements of the law and instructions referred to. Whenever there is reason to suspect that all these requirements have not been strictly complied with, an examination of your field work will be ordered by this office.

You are also particularly reminded of the importance of *permanently* establishing the corner monuments of your surveys, in order that the too frequent necessity may be obviated of re-establishing those corners by the deputy who subsequently has occasion to close his line upon them, and that whether these corners be of wood or stone, or if a tree be adopted, that the bearing tree in each of the adjoining sections, if such be found within 300 links of the corner will be imperatively demanded, and that trees along the true line must be blazed as required, and a failure to comply with these very important requirements will result in a disapproval of your account for the work performed, or if subsequently discovered, will subject you to a suit on your official bond.

In addition to the manner of establishing corners of public surveys by mounds of earth, with deposits at the point of the corner, deputy surveyors are required to set in the centre of one of the pits at each section and township corner, sawed or hewed stakes not less than two inches square and two feet in length, said stakes to be marked in the manner prescribed in the Manual for marking corner posts, and to be set at least one foot in the ground. At corners common to four townships or sections the stakes are to be set in the pit southeast of the mound, and at corners common to two townships or sections they are to be set in the pit east of the corner. *This requirement does not apply to quarter-section corners.*

You will in every instance establish the corner boundaries in a permanent manner, and describe them fully in your notes. The description "established as per instructions," is not considered sufficient, and you will therefore state in the field notes the size and diameter of the posts, depth set in the ground, or the length, breadth and thickness of the stone, the size of the mound, with the length, width and depth of the pits, which must correspond with the requirements of the Manual of Surveying Instructions."

In view of the fact that the larger portion of the lands now remaining unsurveyed in this State are of such a character that many of the townships are made fractional by intersecting impassible or unsurveyable mountains, the following instructions will be observed wherever it is impossible to establish all the exterior corners of the sections. In all such cases the specific reasons for departing from the exterior lines of sections must be fully stated in the field notes.

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The annexed diagram shows by the full, heavy lines those supposed to have been surveyed; and the subdivisions which under such a survey would be considered surveyed, are shaded.

It will thus be seen that a quarter section will be considered surveyed only when any three of its corners are established, and in like manner of any eighty or forty acre lots, the general instructions from the department being that no subdivision can be considered surveyed, unless three of its corners be established. Lines run from a subdivision corner towards another, less than twenty chains, or so as to fall short of the next legal subdivision corner, will not be allowed in the deputy's account.

It is imperative that every subdivision which can be occupied, or is likely to ever be disposed of, as agricultural, timber, desert, mineral or coal land, in any township, for which a contract is executed with this office, be surveyed, and to this end deputies are required to give these instructions their careful attention, that the necessity of making additional surveys in these fractional townships may be avoided. Deputy Surveyors must understand that the fact, that it would be unprofitable to them to establish a certain line or lines, included in their contracts, will not be accepted by this office as a sufficient reason why any portion of a township is returned not surveyed; and in all cases where portions of townships under contract are returned unsurveyed, without specific and good reason therefor, the accounts for the work done will not be approved.

When reference is made in the field notes to mineral lands, the deputy must describe distinctly, in the general description of the township, the sections or parts thereof that should be classed as mineral land; he should be particularly careful not to class land as mineral, upon a mere possibility that they may contain minerals, but if there are reasonable and perceptible indications, even if slight, they should be clearly and particularly described, and in all such cases, specimens of the kinds of minerals found should be collected and properly labeled, regarding the precise locality as near as practicable, where found, and returned to this office. These specimens should be of a reasonable size, according to circumstances.

In the general description of the township, deputies must describe the productions of the soil, so far as they are able to ascertain from observation, and careful and diligent inquiry; also, the character, kind and quality of the trees, bushes or other growth; the character of the land; the usual mode or manner of cultivating the land, whether by means of irrigation or by any other artificial or special mode of cultivation. Deputies should in their field notes class the lands as they are defined, under the various laws regulating the disposal of public lands: as lands naturally devoid of timber; as timber lands; as agricultural or grazing lands; as coal lands; as desert lands; and as mineral lands.

Desert lands are defined by this office to be lands which will not without irrigation produce any agricultural crops, and which may be reclaimed by irrigation, and for which there is sufficient water available. In classing lands under these various heads, the deputy will state precisely what are the productions of the soil, both natural and by means of cultivation. If the land produces any species of grass naturally, during either the whole or portions of the year, the fact should be stated. Deputies will also ascertain as nearly as practicable the approximate amount of rainfall, and how distributed during the season; the usual time of the year when different crops are planted and matured, which are usually raised in the particular locality. Deputy Surveyors are prohibited from giving information to any person regarding surveys made by them, and are prohibited from charging or receiving money or valuables from settlers or others for work included in their contracts.

U. S. Deputy Surveyors are prohibited from acting as attorneys for settlers or claimants for lands, such occupations being deemed to be incompatible with a proper and faithful discharge of their duties as U. S. Deputy Surveyors. In connection herewith,

attention is called to the provisions of Sections 1782 and 5498 of the Revised Statutes of the United States. The law and instructions require that contracts for public surveys must first be approved by the Hon. Commissioner of the General Land Office before becoming operative. Deputies, therefore, must never commence work under their contracts until they are notified by this office that their contracts and bonds have been approved by the Hon. Commissioner of the General Land Office.

The attention of deputies is also drawn to that part of the Manuel of Instructions requiring that the field-book be paged, and that a small skeleton township plot be prefixed, on each section line of which the page descriptive thereof must be marked as an index thereto.

Whenever, in subdividing townships, deputies reach a desert land claim, made under the Act of Congress of March 3d, 1877, upon unsurveyed land, they will extend their lines in the usual manner, and, from the best information attainable, represent by an outline sketch the approximate limits of the reclaimed tract, or the tract in process of reclamation, so that the same may appear upon the township plat, when prepared. Lands which subservise only pastoral interests are not to be surveyed, such lands not being of the character authorized by the instructions of the Hon. Commissioner of the General Land Office; and, except in case of triangulation, the deputy shall start from the proper bases or standard parallels *on the south*. If these last shall not have been established, that must first be done, and then, if there are no exterior lines of the township surveyed, the deputy must first survey them, and, finally, subdivide the townships into sections, running, measuring, and marking the lines *from south to north* in the regular progress, avoiding the practice of surveying from north to south, leaving the interior of the township partly unsurveyed, and thereby causing difficulty when the effort is made to complete the survey of the township and connect the surveys made from the south with those from the north by due north and south, or east and west lines, as the law requires.

When, by reason of impassable objects, the south boundary of a township cannot be established, an east and west line should be run through the township, first random, then corrected from one range line to the other and as far south as possible, and from such line extend the section lines in the usual manner except over any fraction south of said line which may be surveyed in the opposite direction from the section corners on the auxiliary base thus established.

Deputies must either describe particularly all the corners on the south township line from which they start, and the corners on the east, north, and west township lines upon which they close, or, if they find such corners corresponding to the description furnished them, they must state that fact in their field notes; and if a corner on the township line is re-established, the notes should show in what manner. In addition to the requirements of the Manuel of Surveying Instructions and the Supplement of June 1st, 1864, deputies are required in all cases where stones are used for corners, to dig pits in the same manner as for corners marked by posts and mounds.

No mountain, swampy lands, or lands not classed as surveyable by law, are to be meandered. All lines approaching such lands must be discontinued at the section or quarter-section corner; but where the nature of the ground is such that, by extending the line twenty chains, a legal subdivision of eighty or forty acres of surveyable land may be included, the lines should be so extended. On pages 18 and 19 of the Manuel of Instructions, which is made part of the laws governing the public surveys, the objects whose description, character, and position should be noted and shown upon the plats, are carefully itemized. Too little attention is now paid to these very important particulars; a more exact compliance with such instructions is therefore required, both in noting and delineating the objects therein enumerated.

It is also of great importance that the transcripts of field notes, which are expected to endure for ages, should be written in a clear, bold hand, so that every word and figure shall be legible and unmistakable as to its signification.

The Hon. Commissioner of the General Land Office deems it proper to confine the expenditure of the appropriations for the survey of public lands to the first five classes of lands described in the Appropriation Act of June 20th, 1878, viz.:

First—Those adapted to agriculture without artificial irrigation.

Second—Irrigable lands, or such as can be redeemed, and for which there is sufficient accessible water for the reclamation and cultivation of the same, not otherwise utilized or claimed.

Third—Timber lands bearing timber of commercial value.

Fourth—Coal lands containing coal of commercial value.

Fifth—Exterior boundaries of town sites.

Your special attention is called to the extension of the lines of public surveys from south to north, as required by the Manual of Surveying Instructions. No deviation from these rules will be allowed, and you are hereby notified that a non-compliance therewith will cause a rejection of your work. Depredations on timber growing on public lands having been carried on by parties in violation of law, and Congress having provided the necessary measures for putting a stop to future unlawful destruction of valuable timber on public lands, in obedience to directions from the Hon. Commissioner of the General Land Office, you are instructed to report any depredations of the kind which may come to your knowledge, from personal observation, or derived from reliable sources. The information should state particular localities where trespass is being or has been committed; the names of parties implicated, and the extent of the depredation committed.

Each deputy executing contracts for the survey of public lands will be required to return with his field notes a special statement under oath, that he has correctly reported all depredations upon timber growing upon public lands, which have come to his knowledge, either from personal observation or from reliable sources, and that he has used due diligence to ascertain the names and present residence of the parties who cut, or procured said timber to be cut, or carted away, or manufactured the same into lumber. Any failure to comply with this requirement will result in withholding approval of the work and of the account of the deputy therefor. Deputy surveyors are required to give these special instructions their careful attention, and to execute their surveys in strict conformity therewith, and they are reminded that by the provisions of Section 2399 of the Revised Statutes, these special instructions are made a part of their respective contracts.

These special instructions are to be taken as supplementary and explanatory of the Manual of Surveying Instructions of the Hon. Commissioner of the General Land Office, and not as superseding or changing them in any manner.

It is recommended by this office to deputy surveyors that, wherever practicable, they place a bottle in the ground, say one foot in depth, at the corners of public surveys, said bottle to contain a strip of parchment (to be furnished by this office), giving such a description of the corner as will prove unmistakable. It is to be understood herein that a compliance with this suggestion will in no wise do away with any of the requirements as to the proper identification of such public corners as are heretofore given in the instructions, and made a part of each contract.

SPECIAL INSTRUCTIONS TO U. S. DEPUTY MINERAL SURVEYORS.

As this office is often put to unnecessary annoyance and loss of time in perfecting Maps from field notes of deputy surveyors, from the fact that the returns are frequently deficient in papers required by law ; as, for instance, in records of original location, it will, in future, be understood, that no field notes will be platted, if, upon examination, all legal requirements are found not to have been complied with. Hereafter in your surveys of Mining Claims, you will strictly comply with the following :—

1. Magnetic Variation.

You will make distinction between the magnetic variation and deviation of the needle. When the magnetic variation is once established it should govern the entire survey, and where the deviation of the needle is great, the interior angles should be taken and noted in the field-notes.

2. Survey of Lode.

You will make no official survey without an order from this office.

In surveys of Lode Claims, the points of intersection of the Lode with the exterior boundaries of the Claim must be marked in the field with the usual monuments, and distinctly specified in the field notes and diagram ; and the course and distance of the Lode must in every instance be given.

Where the Lode is not clearly traceable, its presumed course should be mentioned. The end lines of each Claim must be parallel to each other.

In Quicksilver and other Claims, not known as Placer Claims, wherever the mineral appears in irregular deposits, not partaking of the nature of a Lode, it should be mentioned in the field notes that an actual survey of Lode is impossible, on account of the geological features of the Claim.

3. Connection with Lines of Public Surveys.

In making surveys of Mining Claims pursuant to instructions from this Office, you will hereafter state in your field notes, and also in your diagram, the points of intersection of any lines of public surveys that may be found to cross or intersect the exterior boundaries of your mining surveys.

And you will not only specify the distance to such points of intersection on the exterior boundaries, but also the bearing and distance from said points of intersection, to the nearest corner on such lines of public surveys. In case any doubt shall arise as to the proper *locus* of such lines of public survey, you will, from the records of this Office, obtain such data as will enable you to correctly retrace such lines.

Should no public survey lines intersect the lines of the Mining Claim, you will connect a corner of the claim with the nearest corner of the public survey, unless the distance to such corner should exceed 100 chains, in which case you will connect with the confluence of two noted streams, or some other prominent natural object, not liable to change or displacement, at which you will establish a mineral monument, marking the same properly, and describing it fully in your notes. The line connecting Mining surveys with Mineral Monuments should not be more than 100 chains in length, and should be measured on the ground. All traverse lines run for connection of the Mining Claim with a corner of the public surveys or mineral monument, will be run by degrees, $\frac{1}{2}$ and $\frac{1}{4}$ degrees ; Chains and tenths of a Chain ; the closing course and distance being as the Surveyor finds it. A tabling of the courses and distances of the traverse line must accompany the notes ; and the direct course and distance to or from the corner of the Claim to a corner of the public surveys or mineral monument, must be calculated and stated in the field notes of every Mining Claim connected with said public surveys or mineral monument.

4. Natural Objects.

In running the exterior lines of Mining Claims, the points of intersection, general course and width of all natural objects, such as ravines, gulches, creeks, etc., must be given. Especial attention is called to this matter, as the General Land Office requires in every case a certificate from this Office, to the effect that such reference is made in the field notes to natural objects, etc., as will perpetuate and fix the *locus* of Claims.

5. Conflicting Surveys.

Care should be taken to ascertain all conflicts between the survey of any Mining Claim and surveys of adjoining Claims, and the extent of such conflicts, with the particulars of each case, should be reported in the field notes and diagram.

6. Report.

Under the heading of "Report," the U. S. Deputy Mineral Surveyor should set forth in each case a full description of the geological features of the Mining Claim, of the character and quantity of work performed, and of the machinery and apparatus employed, with such other statistics as can be obtained; and should append his estimate of the value of the labor and improvements made thereon.

7. Specimens of Ore.

The deputy must transmit to this Office, postage or expressage prepaid, duplicate specimens of the ore of every Quartz or Lode Claim surveyed by him, each specimen properly labeled. The expense of such transmission should be collected from the claimants.

8. Affidavits of Valuation.

An affidavit as to the character and valuation of each mining claim must be made by two credible persons, who can testify from personal knowledge that not less than five hundred dollars have been expended in labor and improvements upon the Claim, by the claimant for whom the survey is being made, or his grantors. Such affidavits must be acknowledged before a Notary Public, Justice of the Peace, or other competent officer, and *not* before the U. S. Deputy Mineral Surveyor.

9. Attorneys.

U. S. Deputy Mineral Surveyors are prohibited from acting as attorneys, before this Office, the U. S. Land Offices or elsewhere, for the claimants of mines which they either have surveyed or are instructed to survey.

10. Preparation of Papers.

The field notes and report must be separately written upon brief paper of the size of the printed blank oaths furnished, and upon one side of the sheet only. The tabling and diagram must be separately made upon sheets of the same size as the field notes, and the diagram should be drawn upon a scale of either five, ten, twenty, forty or eighty chains to the inch, except in cases where the area demands a larger scale than five chains to the inch.

Tabling should be returned according to the method of Davies.

The Survey of Connecting Line, Survey of Lode, Survey of Exterior Boundaries and Survey of Mill Site, should each be separately written under its appropriate heading in the field notes, and should each accurately specify the starting corner, and give the magnetic variation on the first course run, and on each course if the variation changes.

The field notes of Placer Claims should be prepared in the same manner as those of Quartz Claims, with the omission of the Survey of Lode.

The courses and distances run should be invariably written in figures in ruled parallel columns, on the left of the page, and the intermediate distances should be noted before the final distance of a course.

Care must be observed to have the field notes and other papers legibly written, for preservation as records; and ample space should be allowed for the field notes especially.

The application for survey, as well as field notes of Gold and Silver bearing Mining Claims should explicitly state whether the same are Quartz or Placer Claims; and the report should specify what mineral the Claim contains.

Your attention is particularly directed to the following Circular:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., November 20th, 1873.

Sir:—Information has reached this Office that deputies in surveying mining claims, are in the habit of following the directions of the parties in interest instead of adhering to the lines established in the original location of such claims, and thus in effect making a private instead of an official survey.

Under all laws and regulations, whether local or general, the location of a claim in such a manner as to give notice to all the world of the nature and extent of the same is not only indispensable, but in most cases mining claims are initiated thereby, and all subsequent proceedings are based upon and must conform to such location.

A failure to make and record the location in accordance with the law and regulations in force at the date of the location, will defeat the claim, and if it is not made with such definiteness as to operate as notice to all persons seeking to acquire rights to mining lands, it will be void for uncertainty.

It follows, therefore, that in making surveys of mining claims, it becomes essentially necessary to ascertain the boundaries thereof as established by the original location, for the rights of the claimant are limited and defined by such boundaries.

To make a survey in accordance with other lines or boundaries is tantamount to making a new location of the claim, and the rights of locators who have complied with the requirements of the law may be interfered with and defeated thereby.

The practice of making surveys according to the dictation of parties in interest, instead of in accordance with the original location, has already caused great confusion, and been productive of great injury to *bona fide* claimants.

You will therefore require the applicant for a survey to furnish a copy of the original record of location, properly certified to by the Recorder having charge of the records of mining locations in the district where the claim is situate, and cause all official surveys of mining claims to be made in strict conformity to the lines established by the original location as recorded; and if the record of locations made *prior* to the passage of the Mining Act of May 10, 1872, is not sufficiently definite and certain to enable the deputy to make a correct survey therefrom, he should, after reasonable notice in writing, to be served personally or through the United States mail, on the applicant for survey and adjoining claimants, whose residence or post-office address he may know or can ascertain by the exercise of reasonable diligence, take the testimony of neighboring claimants and other persons who are familiar with the boundaries thereof as originally located and asserted by the locators of the claim, and after having ascertained by such testimony the boundaries as originally established, he should make a survey in accordance therewith, and transmit full and correct returns of survey, accompanied by the copy of the record of location, the testimony, and a copy of the notice served on the claimant and adjoining proprietors, certifying thereon when, in what manner, and on whom, service was made.

The Act of Congress, of May 10, 1872, expressly provides that "the location must be distinctly marked on the ground, so that its boundaries can be readily traced," and "that all records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims,

located by reference to some natural object or permanent monument, as will identify the claim."

These provisions of the law should be strictly complied with in each case to entitle the claimant to a survey and patent; and therefore should a claimant under a location made *subsequent* to the passage of the Mining Act of May 10, 1872, who has not complied with said requirements in regard to marking the location upon the ground and recording the same, apply for a survey, you will decline to make it.

The only relief for a party under such circumstances will be to make a new location in conformity to law and regulations, as no case will be approved and patented by this Office unless these and all other provisions of law are substantially complied with.

If the law has been complied with in the matter of marking the location on the ground, and recording the same, and any question arises in the execution of the survey as to the identity of the monuments, marks or boundaries which cannot be determined by a reference to the record, the deputy should take testimony in the manner hereinbefore prescribed for surveys of claims located *prior* to May 10, 1872, and having thus ascertained the true and correct boundaries originally established, marked and recorded, make the survey accordingly.

You will at once issue instructions to your deputies, requiring them to abandon the practice of surveying mining claims under the direction of parties in interest, and to conform to the rule as heretofore prescribed.

For an examination of the returns of surveys of mining claims I am satisfied that in many instances the deputy surveyors certify to the value of improvements without ascertaining whether such improvements are made by the claimant or his grantors.

No improvements should be included in the estimate unless they have been made by the applicant for survey or by those from whom he derives title.

The value of improvements made upon other locations, or by other claimants, should not be taken into consideration, but excluded by deputies in their estimate of improvements upon the claim.

You will so instruct your deputies, and hereafter require them to certify in each instance that the improvements and expenditures considered by them in their estimate, and which they must describe in their report, were made by the applicant or by the persons from whom he derives title.

* * * * *

Very Respectfully,

* * * * * COMMISSIONER.

To the U. S. SURVEYOR-GENERAL, San Francisco, Cal.

The usual preliminary and final oaths of your assistants, and your own final oath, must accompany each survey, printed forms for which will be supplied by this Office when requested.

As the plats cannot be completed in this Office until all the forms are complied with, and all the data are furnished in the field-notes and report that are required by the foregoing instructions and circular, the deputy will see the necessity of being exceedingly careful in preparing the field notes and report conformably to these instructions, and thus avoid the annoyance of a return thereof to him for correction, thus causing delay to the applicant and unnecessary work to this Office.

I shall expect you to make yourself thoroughly familiar with the Mining Laws, both National and State, as well as with these instructions.

All official communications must be addressed to the U. S. Surveyor-General, and not to clerks in the Office.

You will please acknowledge the receipt of these instructions.

Very Respectfully,

THEO. WAGNER,

U. S. Surveyor-General for California.

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