



The Cornerpost

Journal of the Vermont Society of Land Surveyors

Volume 48, Number 2 | Summer 2017



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Send In Your News

The success of *The Cornerpost* depends on all of our members. Please consider making a contribution to an upcoming issue! We would love to hear about your experiences in the field and your thoughts about historic writings or current events. Or, snap a photo while you're at work and send it to kelly@vsls.org.

About the Cover

Paul Hannan, L.S., sent in the cover photo for this issue. Many years ago, Paul found an old town road into a client's property up in Morgan. "Her neighbor was telling her she was landlocked and offered her peanuts for her land," Paul says. "It was a one-rod pent road laid out in the mid-1800s. She was pleased, but the neighbor was so annoyed that he put fences on either side of the lane, exactly 16 1/2 feet apart." The un-mowed strip is shown on the right side of the photo, and Lake Seymour is just visible in the middle ground. "One rod ain't a hell of a lot of land to push snow around on," Paul says, "but at least she wasn't landlocked."

🎁 Paul receives a \$50 gift certificate to the restaurant of his choice for sharing this image for the cover. Send your image for the next issue to kelly@vsls.org.

President's Corner

IT IS HARD TO BELIEVE SUMMER IS HALF OVER ALREADY. Maybe the next half of the summer will be drier.

Brad Holden has been working to coordinate a video shoot for VSLs. The video will educate the public about land surveying and encourage new people to join the profession; we'll post the video on our website. Unfortunately, the weather hasn't been helping with the process, but hopefully by the time we meet for the fall conference in September, Brad will be able to report success. Thank you to everyone who has volunteered to help with this project – it couldn't be done without you.

Which brings me to my next concern: I have been asking for people to volunteer to be on committees to help the Executive Committee run the association, but I've had very little response. Those of you who have volunteered – thank you so much. I know that it is just one more thing in a day that is already too short.

So I am going to propose that we raise our dues, so that we can pay people to do some of the projects that we have been trying to do for years. I think that we don't have the time or the

I have been asking for people to volunteer to be on committees to help the Executive Committee run the association, but so far I've had very little response. So I am going to propose that we raise our dues, so that we can pay people to do some of the projects that we have been trying to do for years.

ability in some cases to organize and execute some the things that the association needs to do for its members.

The big item is the scanning of plans that have been given to the association by surveyors or their families. Maybe we can't afford to have them scanned, but we

should at least be storing them in a controlled environment so that they are not deteriorating over the years. We also should have a current list of members who are storing other surveyors' records, and it should be on the website so it is available to all members. Ideally it would be great if all members could access all the plans through our website, but somehow I think that may be beyond our means even with raising our dues.

I think that if we raise our dues to \$200 for active members, then we would be able to pay someone to index our records so that they would be user friendly and efficient. It would also help with the annual budget, which is getting harder to balance each year.

Please come to the business meeting at the Stoweflake so that we can discuss this in more detail. Have a great rest of the summer and see you all at the Stoweflake September 21 and 22.

Gayle

Gayle Burchard, VSLs President



Gayle Burchard with Paul Hannan at this year's Spring Seminar, held April 21 at the Inn at Essex. More snapshots from the seminar are below.



See more Spring Seminar photos on our website: vsls.org » events

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Recognizing the Value of Old Maps



Sanborn maps can sometimes provide the missing piece of the boundary puzzle.

BY PAUL HANNAN, L.S.

While I supported the change that made all members of VSLS also members of NSPS, I must confess that I hardly ever read the weekly e-newsletters that we now get in our e-inbaskets. I have more mail – “e” and otherwise – than I can reasonably process, and so at best I scan the NSPS headlines and move on to the next bit of communication triage waiting for me.

There is always, however, the exception that proves the rule, and the March 17, 2017 issue had a headline that caught my attention: “Historical Atlases Rescued from The Trash Could Be a Boon to Historians.” (And, no, it didn’t catch my eye just because it was a grammatically incorrect choice of historic vs. historical – but I’ll save that discussion for when I start my “grammar grouch” column... *or...* ask me at the next meeting.)

Anyway, the article, for those of you who missed it, was a reprint of a fascinating *National Geographic* piece describing the rescue of a literal truckload of Sanborn Insurance maps that were on the verge of destruction in California in the 1970s. While that article itself is not the point of this article, the link to it is below. It’s a good read.

Now I’d be surprised if many readers of this publication had not at some time come across these maps in their work. They are *not* survey maps upon which to rely for boundary work per se, but they are certainly wonderful snapshots of the location and shape of buildings in select towns at various points in history.

As the article states, for over 100 years, starting in 1866, the Sanborn Map Company made remarkably detailed and notably handsome maps of over 13,000 locales, updating them periodically to enable fire insurance companies to “rate” their customers’ structures and assess appropriate policy premiums. Actual property boundaries don’t typically show on these maps with any degree of reliability. But every once in a while, understanding roughly where a building was in

a village or what the dimensions of it were, say, before your client’s grandfather tore off the attached carriage shed, can be exactly the missing piece of the boundary puzzle you need. Such was the case for me in Plainfield a few years ago.

A Puzzling Situation

One morning I fielded a call from an insurance company representative – no, it was not about how much to charge for fire insurance, but rather the company representative said: “We’ve had a ‘slip ’n’ fall’ near the building of one of our insureds, and we need to know whether it occurred on their property or the neighbor’s to see who’s responsible.” While I had never heard the specific term “slip and fall,” it rolled off her tongue with such ease that I immediately took it to be a term of art – if insurance is your art – a bit like how “double meridian distance” might roll off the tongue of one of us old timers in the surveying world.

She went on to say that she had her client’s source deed and had been puzzling over its language and gave up. (I didn’t say a word, but thought pretty loudly and a little smugly: that’s why god made surveyors.) The body of the full deed is shown at right, but the operative section that was giving her (and eventually me) fits read as follows:

“This sale also includes a strip six feet wide next to the building occupied by said Odd Fellows Lodge, of the bridge or walk connecting this building with the tenement block in front in 2nd story.

“This sale also includes the right of way on the westerly side & northerly end of said tenement block to the building standing on land conveyed....”

Since her main concern was on whose land the “slip ’n’ fall” occurred, she didn’t remark about the interesting situation created by a property boundary being described as “... the South side of the building now occupied in 2nd story by said Odd Fellows Lodge... ”

This is a particularly fascinating ownership question when the entrance to the building is, in fact, on that south side; i.e., you gotta trespass to get in your building, or, for that matter,



Check out the article: “Historical Atlases Rescued from The Trash Could Be a Boon to Historians”

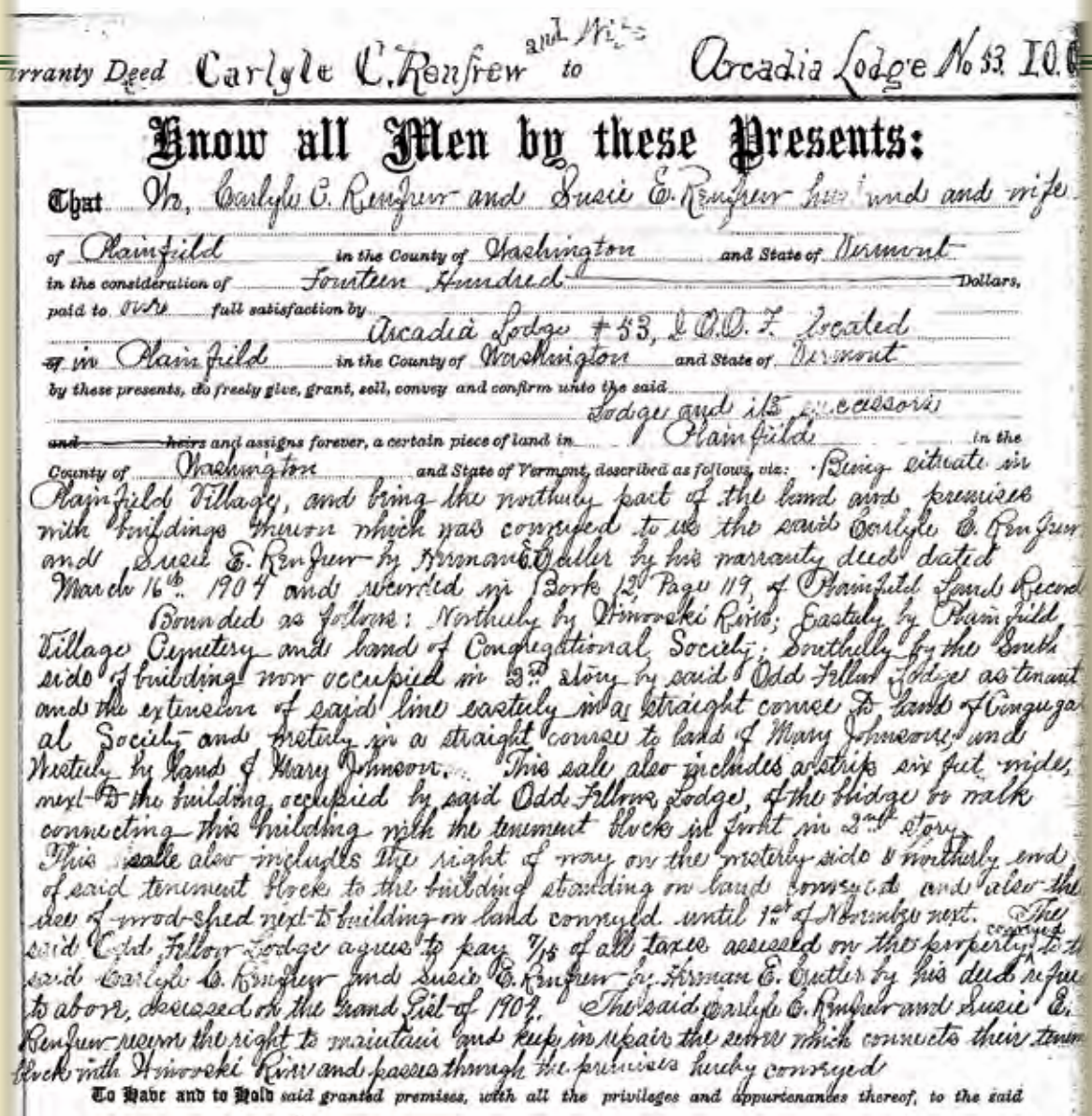
news.nationalgeographic.com/2017/03/historical-atlas-maps-american-west

to paint it or wash the windows or ... whatever. No, she just needed to know where that inscrutable six-foot right-of-way involving the buildings was – the second right-of-way on the west and north ends of the tenement block was a little more discernible. While it may not matter to the telling of this story, those familiar with Plainfield, Vt., will find all this a bit more fathomable knowing that the “tenement house” is now the municipal building that houses the town clerk, while sitting behind it to the north is the subject property, the former Odd Fellows Hall, which is today that citadel of aging hippiedom: the Plainfield Food Co-op.

It’s just possible that if I had stared as long at the buildings themselves as I did at the deed, the puzzle might have begun to unravel a bit sooner, but read and re-read that deed I did. I deduced that the Odd Fellows had been tenants on the second floor of the building the Renfrews were about to subdivide and convey to them. The conundrum about the south building wall being the boundary hit me right off, but it didn’t strike me as a big part of the right-of-way problem, other than the fact that the rights-of-way were essential for access. But what I kept coming back to was the crazy thought that they had acquired some sort of elevated right-of-way or air rights. Why else would they be talking about a bridge or walk and the second story?

An Old Map to the Rescue

The town office had some historic photos that I perused, but they kept not quite showing these buildings. Finally I hit on the idea that maybe the Sanborn maps could show me something. I knew



the Vermont Historical Society had a collection of them (and that members could view them on-line for free; membership is good!)

Despite VHS having maps of over 60 Vermont cities, villages, hamlets and towns, Plainfield was not among them. I turned to the Bailey-Howe Library at UVM. As with work I had done researching John Johnson at Special Collections, the staff there was incredibly helpful. Within a couple of hours, I had the scan you see on

Above, the full text of the deed.

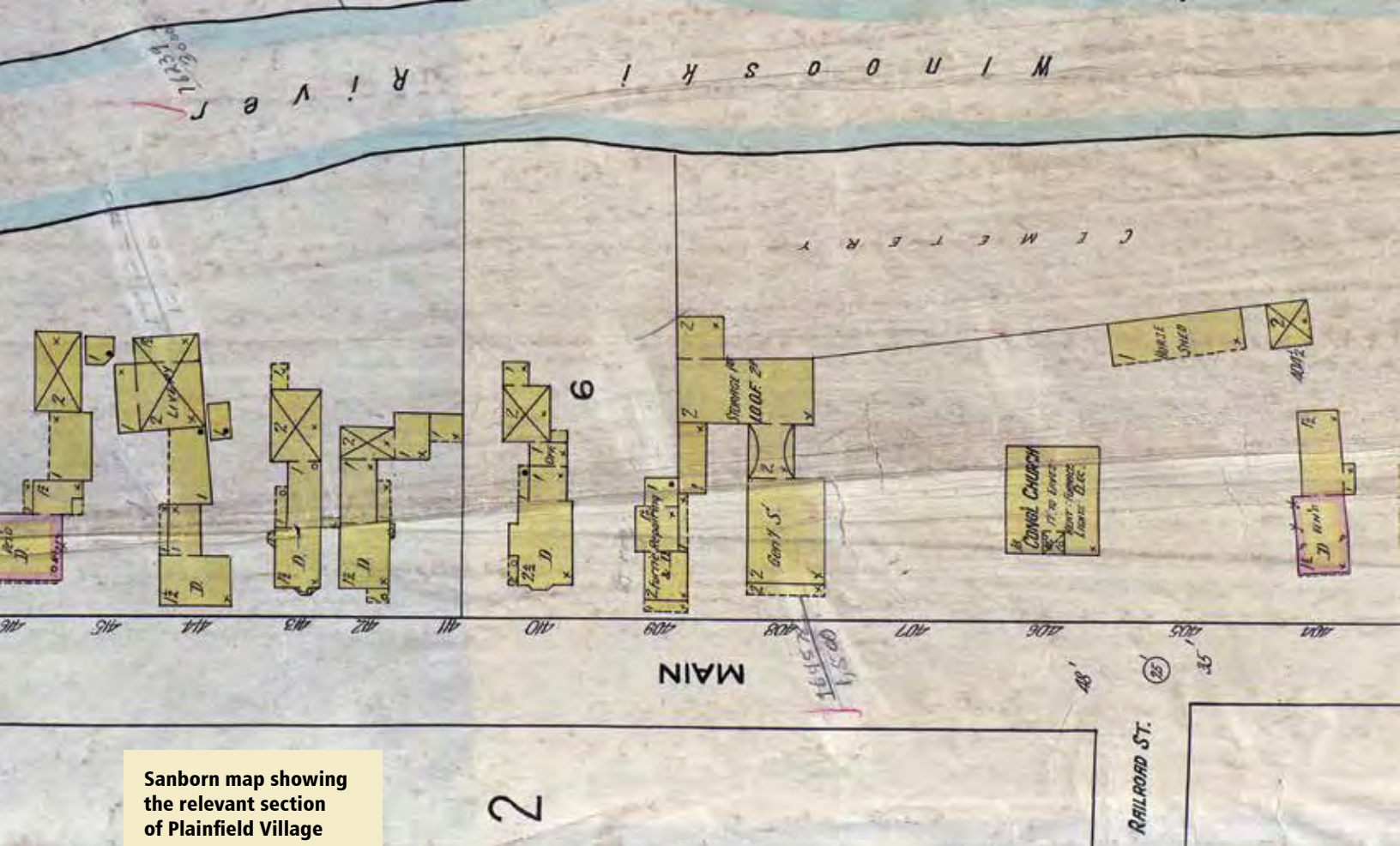
the next page, of the cropped section of Plainfield Village that I needed to “see” my old buildings. (They are pretty much dead center in the map, right above the word “Main.”)

Not only did it become clear that the Co-op had once been connected to the Town Office building, but I could see that they had both been further connected to the house next door, forming somewhat of a courtyard.

For over 100 years, starting in 1866, the Sanborn Map Company made remarkably detailed and notably handsome maps of over 13,000 locales.



A recent photo of what's now the Plainfield Town Offices (left) and the Plainfield Food Co-op.



Sanborn map showing the relevant section of Plainfield Village

What I subsequently learned was that the connection shown on this Sanborn map was a connection only linking the second floors of those buildings, such that the courtyard I perceived from the map really was a “thruway” for delivery and other access to these busy 19th-century structures: furniture repair, general store, storage, woodshed, tenants and, of course, the periodic meetings of the Odd Fellows. And what better way to facilitate attendance by Odd Fellow tenants living above the General Store than to secure a right-of-way across the “bridge or walk”? Heck, those Odd Fellow boarders could come to meetings in their bedroom slippers in January if they wanted to. Now if you look again at the photo of the buildings, you can see what should have been obvious to me

Not only did it become clear that the Co-op had once been connected to the Town Office building, but I could see that they had both been further connected to the house next door.

sooner: that the outline of the connection is still visible on the Co-op’s façade and less so but still a bit on the Town offices.

You know, I never did hear what the outcome of that slip ‘n’ fall claim was. I reported to the insurance woman what I had found regarding the six-foot elevated right-of-way and agreed with her that the other right-of-way was adjacent to the westerly and northerly sides of the town offices, but I failed to ask exactly where the slip and fall occurred.

My mind did continue to chew on a few interesting legal questions. If the slip and fall happened on a right-of-way, is the dominant easement holder or the servient estate liable? If a right-of-way is through a structure that ceases to exist, does the right-of-way disappear altogether or does it just

Vermont Historical Society has a collection of Sanborn maps that members can view online for free.

▶ vermonthistory.org/research/research-resources-online/sanborn-maps

fall down to ground level? How *do* you paint your building without trespassing if the wall is the boundary line?

That last question finally bugged me enough that I explained the situation to the Co-op manager, who convened a committee and ultimately the board (who asked me to approach the Town to seek a resolution to their dilemma). It took a few meetings and a dose of patience, but the Town and the Co-op worked out a boundary agreement that left everyone feeling pretty OK. We’re all used to finding boundary clues wherever we can, and this is just one more resource not to forget about when the situation warrants. 🌱



The spring NSPS meeting in Silver Spring, Md., was mostly centered on lobbying issues that are of concern to surveyors nationwide. On the NSPS "Lobby Day" I visited with aides from the offices of Senator Leahy, Senator Sanders, and Representative Welch. The issues we discussed with a short summary are shown at right.

Based on NSPS News and Views articles, it appears that some progress has been made on all three topics.

In addition to legislative issues, Workforce Development is a major focus. Some states require a four-year degree in surveying, others a two-year degree, some don't require any degree, and for some, high school graduation is not required. Some schools that offer two- or four-year degree programs are seeing fewer applicants and are dropping their programs.

The NSPS focus is to attract new people into the profession and keep the surveying programs in the schools. The Public Relations committee has prepared pamphlets and posters that are geared toward high school students and guidance counselors, and committee members have attended national guidance counselor conferences to promote surveying.

NSPS continues to watch out for the needs of professional surveyors across the United States.

NFIP and Flood Map Reform

- Improve surveying and mapping for fairer premiums
- Elevation data is on average 35 years old
- There is a need for structure inventory and addresses
- Other technical reforms and data

Infrastructure

- Infrastructure projects need quality and accurate surveying and mapping data, products and services
- MAPPs (GIS organization) and NSPS respectfully urge sponsorship of provisions allowing for improved utilization of surveying and mapping technologies and applications in infrastructure legislation in the 115th Congress

Private Sector Utilization

- Surveying, mapping and geospatial have long been identified as activities in which the government can utilize the private sector to a greater extent
- The "Yellow Pages" test: If there are private companies to be found in the Yellow Pages providing products or services in the commercial market that the government is also providing, then the product or service should be subject to market competition to provide a better value to the taxpayer.



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Traversing the Connecticut River

The New Hampshire, New York and Vermont Boundary Dispute

BY DAVID MANN, L.S.

This part of our story begins in 1759, when the construction of the Crown Point Road is proceeding in earnest. This period in the history of Colonial New England is the prelude to the solidifying of English control in New England and in the western territories, after the Annus Mirabilis of 1759 and the culmination of the Seven Years War.

The following are descriptions of a few of the events which aided and impacted the settlements in the Connecticut River Valley and the provincial boundary disputes which developed, or those that had been festering and finally came to the forefront.

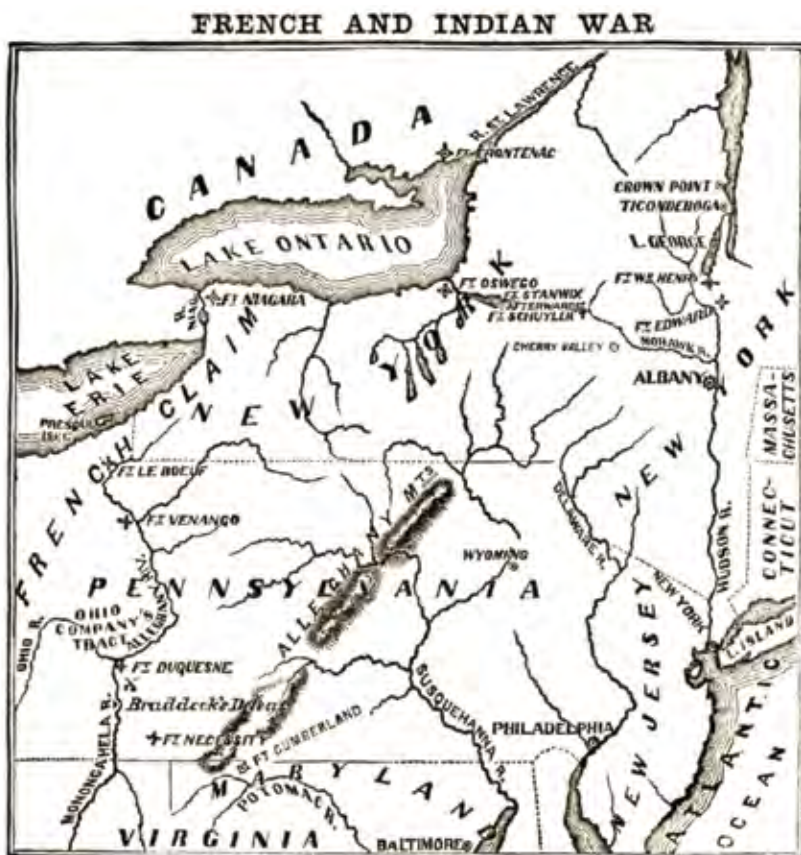
"In October (Sir John) Ligonier succeeded Cumberland as commander-in-chief, an office which gave him, under the crown, command of the forces in Britain and a degree of direction over those in America, extending to the nomination of commanders. Lord Loudoun, in command in America, having failed to attack Louisbourg,

Île Royale (Cape Breton Island), in 1757, Ligonier was determined to have the fortress taken in 1758, and it is clear that he saw Colonel (Jeffrey) Amherst, his former aide-de-camp, as the man for the task. The appointment to command the Louisbourg expedition was remarkable, not merely because Amherst was very junior in the army, but because so far as one can see all his operational experience had been on the staff; he had never commanded troops in action. Obtaining George II's sanction for the grant to Amherst of the local rank of "Major General in America" was a delicate operation, in which William Pitt, secretary of state for the Northern Department, and the Duke of Newcastle, the prime minister, seem to have sought the aid of the king's mistress, Lady Yarmouth. The king finally agreed at the end of 1757; the rank of "Brigadier in America" for James Wolfe, one of Amherst's designated subordinates, was authorized at the same time."

— Dictionary of Canadian Biography



Lord Ligonier,
by Sir Joshua Reynolds, Wiki

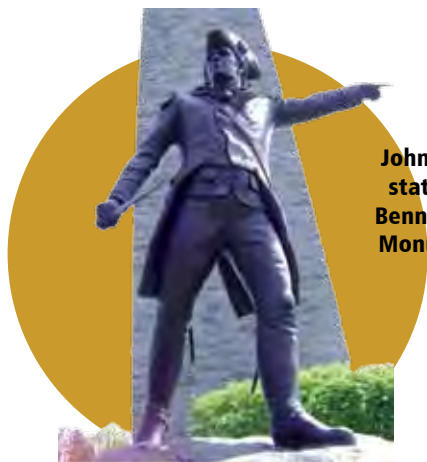


MAP OF THE SCENE OF OPERATIONS.

As you read through these various sources, my hope is that they will tell the story of the construction of the Crown Point Road and the ending of the Seven Years War, which freed the Connecticut River Valley of hostilities which had so limited settlement in the region. It is also noted that Benning Wentworth in the prior decade and throughout this period was busy granting townships in what will become Vermont and in western New Hampshire. Many of these townships were granted to the soldiers taking part in the war described here. We will get into the New Hampshire Grants in some detail in a future presentation.



Jeffery Amherst, Wiki



John Stark statue at Bennington Monument

Jeffery Amherst journal entry, September 9, 1759

"Capt. Starks returned with his Party from No. 4; 14 of his men deserted, six left sick behind. He said he had made the Road & that there were no mountains or swamps to pass & as he came back it measured 77 Miles. It may be much shortened."

Order to Major Hawk of the Massachusetts forces and Coll. Ruggles First Battalion, October 26, 1759

"Whereas nothing contributes more to the wealth and prosperity of a country than free and open communications to and from it on all sides and that by our present possession of Ticonderoga and Crown Point, a direct road from hence into New England by No. 4 must prove of the greatest advantages to the inhabitants and settlers of the latter particularly those of the Provinces of Massachusetts Bay and New Hampshire; I have accordingly for the mutual benefit of the whole, as well as that of the garrisons of Crown Point and Ticonderoga, caused a road to be marked and cutt from hence to No. 4, and in order that the same may be come known to and frequented by the people of New England, as well as to save their troops a long and tedious march, I have resolved to send these last home by this new road, and that they may meet with less fatigue and difficulties than are common to new roads in an uncultivated country, I propose to have the same entirely cleared, straightened and widened, and as I am convinced that no one is more equal to the task than yourself and that from your love for your Country and zeal for the common cause you will exert yourself to the utmost to carry this good design into execution in the best manner possible I do hereby repose that trust and confidence in you.

You will accordingly take upon you the command of the party appointed for that purpose by last night's orders, and with them proceed to the entrance of the said new road from hence which you will carry out in the most direct line possible to No. 4 clearing the forest all the way you go and widening it in every part to at least twenty feet and wherever it may be necessary to lay any bridges across you will lay them sufficiently strong to bear carriages.

You will also at every fifteen miles distance cause log'd fences to be put up for harboring and keeping together the cattle that will be drove through that road for the use of the troops.

And that nothing may retard you in this so necessary and essential work or that your party may not be so bothered they are to leave their arms behind them and I send you Lieut. Small of the Royal Highland Regiment with a party of thirty armed men of the Regulars not only to guard and serve you but to be aiding and assisting to you in everything that you shall require of him for the good of the frontier.

When your work is quite completed and finished in the manner before mentioned you may then dismiss your party at No. 4 where Lieut. Small will order them provisions sufficient to carry them to the inhabited country or farther if the men chuse it but if from thence they had rather have four pences in lieu of provisions they shall receive the same from him for so many days as at a moderate march will take the Massachusetts [men] to go to Worcester, the Connecticut to Hartford and the Rhode Islanders, Providence." — Signed Jeffery Amherst (Crown Point Road website)

Jeffery Amherst journal entry, October 26, 1759

"I sent 250 men with proper Tools under command of Major Hawk to make the Road to No 4. Sent at the same time Lt Small with 30 men with Arms to give the Provincials papers from No 4 to their Homes & provisions or 4 pence per day for their march."

Jeffery Amherst was considerably more brief in his journal than he was in the order to Major Hawk. While reviewing materials for this article I also ran into considerable material about a young soldier on the western frontier who will become quite famous in about a decade and a half. There were various battles in New England and vicinity during the Seven Years War that culminated in the French surrender at Montreal on September 8, 1760 and the Treaty of Paris February 10, 1763. Louisburg in 1758, Ticonderoga in 1759, Quebec in September 1759 were of most import to laying open the Connecticut River to unmolested settlement. Benning Wentworth continued granting settlements in the territory.

The following narratives reflect the Massachusetts, New York and New Hampshire claims relative to their common boundary. The first one is written by John Adams and is included in his memoirs.

"The claims of Massachusetts rested on three grants of the early seventeenth century: James I's charter to the Plymouth Council in 1620; that Council's conveyance of lands from three miles south of the Charles River to three miles north of the Merrimack River to Sir Henry Rosewell and his associates in 1628; and the charter of 1629, which incorporated the Rosewell grant into the colony of Massachusetts Bay. (The charters of 1620 and 1629 are printed in Thorpe, Federal and State Constitutions, 3:1827-1860; terms of the Rosewell grant are on p. 1847-1848.) All three granted lands with explicit north-south bounds which were to extend from "sea to sea." The 1629 charter, however, added the proviso that the grant became void if the granted lands were already possessed or settled by some other Christian prince (same, p. 1850).

The validity of these ancient grants was weakened by the revocation of the colony's charter in 1684. Under a new charter, issued in 1691, that made Massachusetts Bay a royal province, the description of its bounds was

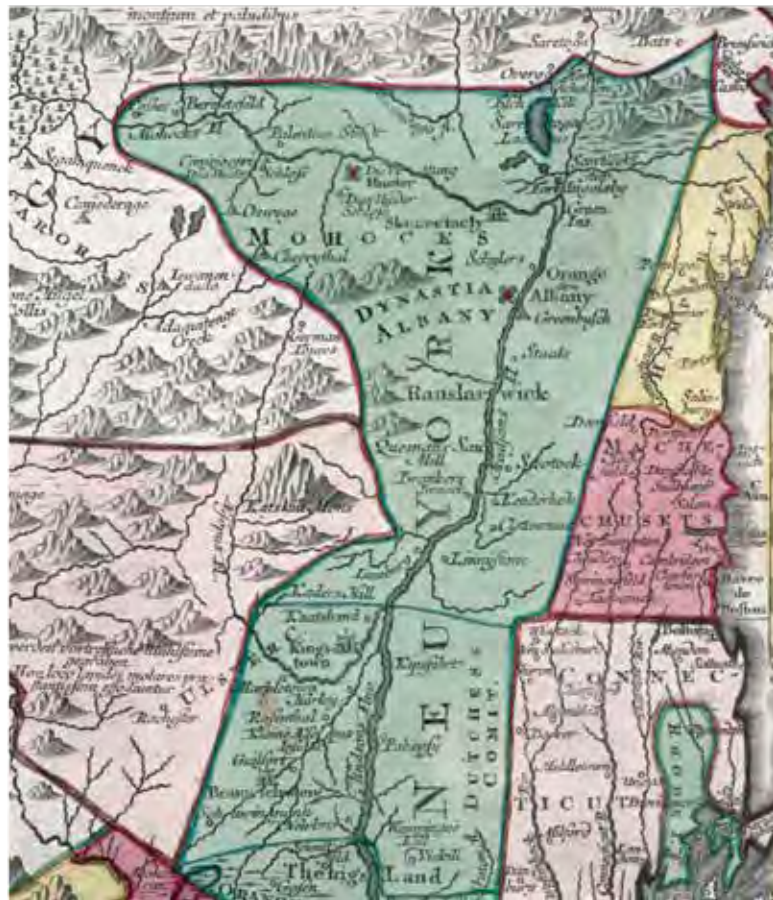


altered. The province retained jurisdiction over Maine and was enlarged to include the old Plymouth Colony, but the north-south boundaries of Massachusetts were to extend west only as far as those of Connecticut, Rhode Island, and the Narragansett Country, that is, "King's Province" in Rhode Island (same, p. 1876).

The creation of the colony of New York in 1664 jeopardized even these western bounds of New England provinces. By a grant to his brother the Duke of York Charles II established a vast proprietorship which included ungranted lands in Maine, the islands of Martha's Vineyard and Long Island, and the claims of the Dutch in New Netherland. This last tract, encompassing the lands between the Connecticut and Delaware rivers, cut squarely across the claims of New England colonies with sea-to-sea charters. With this fact in mind, Charles II's letters patent of 1664 contained the proviso that the grant to his brother was to be good despite grants made earlier by any former king to any person or corporation. The grant of 1664 was made in anticipation of the conquest of New Netherland by England. After the conquest and Dutch cession of their North American claims, the grant to James was confirmed in a second charter in identical terms in 1674 (same, p. 1640, 1641-1644). »

» In 1774 Adams would have to immerse himself in these charters and in the history of the attempts to reconcile their contradictory terms and inaccurate descriptions of New England geography. The Bay Colony's land disputes with New Hampshire had, supposedly, been ended by a decision of the King in Council, 5 March 1740. This decree, which settled New Hampshire's boundary both on the east with the province of Maine and, on the south, with Massachusetts proper, was considered unjust by Massachusetts partisans. In setting the Maine–New Hampshire boundary, the decree interpreted a line running "north-westward" to be one running north, two degrees west, instead of north, forty-five degrees west, as Massachusetts and most geographers would have defined the term."

— Papers of John Adams, Vol.2, www.masshist.org



Note the western bound of (New) Hampshire on this map, with respect to what is shown on the first map on the first page of this article.

—Library of Congress

The following narratives are from the New Hampshire State Papers in the Journal of the House, Volume VII

"Whereas his Honor Caldwellader Colden, Esq. Lieutenant Governor and Commander in Chief of his Majesty's Province of New York, hath lately issued a Proclamation of a very extraordinary Nature, setting forth, that King Charles the second on the 12th Day of March 1663-4 and the 29th June 1674, did by his Letters Patent of those Dates, grant in Fee to his Brother the Duke of York, among other things, all the Land from the West side of Connecticut River to the East side of Delaware Bay: An therein also set forth, or describes the Bounds of New Hampshire; in which Description there is a very material Mistake; besides, there is omitted the Fact, on which the Description of New Hampshire depended, viz., His Majesty's Determination of the Northern and Western Boundaries of the Province of the Massachusetts Bay in 1739: And Nothing can be more evident, than that New Hampshire may legally extend her Western Boundary as far as the Massachusetts claim reaches, and she claims no more: -But New York pretends to claim even to the Banks of Connecticut River, although she never laid out and settled one Town in that part of his Majestys Lands, since she existed as a government.

When New York Government extends her Eastern Boundary to the Banks of Connecticut River, between New York and the Colony of Connecticut, and to the Banks of said River, between New York and the Province of the Massachusetts Bay, it would have been full early for New-York to declare that the Government of New Hampshire, was fully apprised of the Right of New York, under the before recited Letters Patent to the Duke of York.

In virtue of the final Determination of the boundary Lines settled by his late Majesty between this Government and the Massachusetts Bay, all the Lands capable of settlements, have been erected into Townships, agreeable to his Majestys commands, and a considerable Revenue is daily arising to the Crown, unless interrupted and impaired by his Honor's Proclamation, which New Hampshire will not be answerable for.

At present the Boundaries of New York to the Northward are unknown; and as soon as it shall be his Majestys Pleasure to determine them, New Hampshire will pay a ready and chearful

obedience thereunto; not doubting but that all Grants made by New Hampshire, that are fulfilled by the Grantees, will be confirmed to them, if it should be his Majesty's Pleasure to alter the Jurisdiction.

For political Reasons, the claim to Jurisdiction by New York, might have been deferred, as well as the strict Injunction on the civil Power, to exercise Jurisdiction in their respective Functions, as far as the Eastern Banks of Connecticut River.

The said Proclamation carrying an Air of Government in it, may possibly affect and retard the settlement of his Majestys Lands, granted by this Government; For preventing an Inquiry to the Crown of this Kind, and to remove all Doubts that may arise to Persons holding the Kings grants, they may be assured, that the Patent to the Duke of York is obsolete, and cannot convey any certain Boundary to New York, that can be claimed as a Boundary, as plainly appears by the several boundary lines of the Jersies on the West, and the Colony of Connecticut on the East, which are set forth in the Proclamation, as part only of the Land included in said Patent to Duke of York.

To the End therefore, that the Grantees now settled, and settling on those lands, under his late, and present Majesty's Charters, may not be intimidated, or any way hindered or obstructed in the Improvement of the lands so granted; as well as to ascertain the Right, and maintain the Jurisdiction of his Majesty's Government of New Hampshire as far Westward as to include the grants made; I have thought fit, by and with the advice of his Majesty's Council to issue this Proclamation, hereby encouraging the several Grantees, claiming under this Government, to be industrious in clearing and cultivating their Lands, agreeable to their respective grants.

And I do hereby require and command all civil officers, within this Province, of what Quality soever, as well those that are not, as those that are Inhabitants of said lands, to continue and be diligent in exercising Jurisdiction in their respective offices, as far Westward as Grants of Land have been made by this Government; and to deal with any Person or Persons, that may presume to interrupt the Inhabitants or settlers on said Lands, as to Law and Justice doth appertain, the pretended Right of Jurisdiction mentioned in the aforesaid Proclamation, notwithstanding.

Given at the Council Chamber in Portsmouth, the 13th day of March, 1764, and in the fourth year of his Majesty's Reign."

B. Wentworth, by his Excellency's Command with advice of Council

T. Atkinson, jun. Secretary.

GOD SAVE THE KING



Cadwallader Colden, by Matthew Pratt, 1771, Wiki



Governor Benning Wentworth, Wiki

At the Court at St. James's the 20th day of July, 1764

"Whereas there was this day read at the Board a report made by the Right Honorable the Lords of the Committee of Council for plantation affairs, dated the 17th of this Instant, upon considering a representation from the Lords Commissioners for trade and plantation, relative to the disputes that have, some years, subsisted between the Provinces of New Hampshire and New York, concerning the boundary line between those Provinces: His Majesty, taking the same into consideration, was pleased, with the advice of his Privy Council, to approve of what is therein proposed, and doth accordingly, hereby order and declare the western banks of the river Connecticut, from where it enters the Province of the Massachusetts Bay, as far north as the forty-fifth degree of northern latitude to be the boundary line between the said two Provinces of New Hampshire and New York. Wherefore, the respective Governors and Commander-in-Chief of his Majesty's said Provinces of New Hampshire and New York for the time being, and all others whom it may concern, are to take notice of his Majesty's pleasure, hereby signified, and govern themselves accordingly." — W. Blair

My hope with this article was to keep my narrative about the events to a minimum, so as to allow the individuals from that time period to tell the story. I hope this is as interesting to you as it is to me. I have one more part to what I was hoping to cover in this series of articles. Hope you all enjoy the rest of your summer! 🌞





Memories of the VSLs-NHLSA the Canoe Trips of the '80s

BY MALCOLM MOORE, L.S.

In the 1980s, several members of VSLs and their families joined with survey families from New Hampshire in annual canoe weekends on the Connecticut River. The general objective was to locate the reference monuments that define the boundary between our states.



While the river is in New Hampshire, the state boundary is the (natural) low water line on the Vermont side of the river, per 1933-36 decrees of the United States Supreme Court. To learn more, see a 1936 report of the Special Commissioner, reprinted in 1979 by NHLSA as *New Hampshire-Vermont Boundary*, which describes and diagrams the 90 reference monuments.)

This friendly gang of canoeists started in 1983 near Canaan, Vt., and Colebrook, N.H., and paddled leisurely south with stops for swimming, sunning, picnics, and searching for monuments set 50 years previous. For several summers, the annual canoeing event continued south, locating those reference monuments that could be found with the usual impediments to field searches, along the entire boundary between Vermont and New Hampshire to its intersection with the north boundary of Massachusetts.

In successive years, the perambulation of Vermont state lines continued by zigzagging west along Vermont's south boundary on mountain bikes. Research began for hiking and canoeing north along the west boundary along New York state, but that has not yet been completed. Likewise, research on documentation of the U.S./Canada boundary along Quebec, and following it on the ground, is in our future. 🗺️



For additional photos and memories of these excursions, see David Mann's article in the Summer 2016 *Cornerpost*, pages 18-19.

▶ [Google "Summer 2016 Cornerpost."](#)





- 1 The group takes a lunch break at a ledge outcrop on the river. Partial identifications include: Gerry Kittle standing at far left; Brian Burford and Steve Perron from New Hampshire in the blue canoe; Bill Rowley sitting on the rock, facing away; and Scott Taylor, sitting on the rock at right.
- 2 Brian Burford, New Hampshire's current state archivist, sits with his wife, Lois.
- 3 The whole crew explores the Connecticut River.
- 4 Gerry Kittle paddling
- 5 Bill and Sue Rowley carry their canoe, with Brian Burford bringing up the rear.

PHOTOS BY MALCOLM MOORE, L.S.

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Tangled Land Surveys

BY TIM MCKAY

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One of my grandmother's favorite expressions was "oh, what a tangled web we weave," when life became more complex than it should.

Now that we own a woodlot in Guildhall, my first task is to define the boundaries of the parcel. In Vermont, that's not always straightforward.



In fact, it can be like tracing the strands of a spider web all the way to the center. Out west where the states are square and the land is neatly divided into townships and sections, it's pretty hard to mistake a boundary. We have straight lines in Vermont too, but over two centuries of transactions and rugged topography have added complexity. Early governors granted towns in what they perceived as an empty landscape to proprietors, who in turn split the towns into lots that they could speculate in. Those early divisions were done on paper by people who had never seen the country they were splitting up.

A look at the iconic National Survey Map of Vermont, or the digital Vermont atlas, shows towns with straight boundaries, and many towns are square. We live with those illogically square definitions today, often wishing those land speculators of yore had actually come to Vermont and drawn lines that yielded to the limitations of the landscape. For instance, Peacham's square lines climb over a ridge line that is hard to cross, even today. Or consider Kirby, where the northern and southern parts of the town exist quite separately thanks to Kirby Mountain.

In Guildhall, we bought part of a 250-acre lot that had been subdivided into five pieces. There is a survey map of the subdivision, and the front corners of the lots are marked by survey pins along the road. Unfortunately, the surveyor did not go to the effort of physically marking the back corner of the lot, located about half a mile into the woods from the road.



Craig Weston, the survey crew chief, is shown in both photos.

That boundary exists only as a line on paper. An unmarked boundary like this is an invitation to problems in the future, particularly in a situation where the landowners live elsewhere.

In my years of working with landowners, I have seen a lot of land surveys and maps. I know there are good ones and bad ones. So we asked for recommendations, and settled on Truline in St. Johnsbury. I met with Shane Clark to show him what we needed and came away satisfied that he knows his stuff. His estimate was more than I was hoping to spend, so we agreed that I would help as much as I could in order to reduce the cost. In order to set a new survey pin at the back corner, we would need to survey from established points along that back line. Then we could blaze a straight line from the existing pin along the road to the new pin in back.

My surveyor explained that we needed to research the town records and establish the "key deeds" for the reference points we would use. I agreed to go to the Guildhall town office and see what I could find. Back in the last quarter of

Early governors granted towns in what they perceived as an empty landscape to proprietors, who in turn split the towns into lots that they could speculate in. Those early divisions were done on paper by people who had never seen the country they were splitting up.



southern quarter of the town was apparently surveyed first and is divided into “divisions” and lots of 50 acres. Later, the rest of the town was surveyed into “ranges” and lots of 100 acres.

Whenever you see a straight boundary that lines up with other neighboring straight boundaries, you are probably looking at an original lot line. That is the case with our back line in Guildhall. The town clerk pointed me to a framed map on the wall, which is a copy of the original lotting plan. They also showed me a lot plan that was hand drawn by a local surveyor in 1956, which defines the lots and owners at that time. It was remarkably unchanged from the original lotting plan, demonstrating that few of the original lots had been subdivided by that time.

From there I dove into the deeds, tracing back to a deed that first established the location of the boundary in question and looking for previous land surveys that might have a bearing. I traced both our own deed and the neighboring properties. There are two properties that border our back line and I discovered that both have remained entire lots from the original lotting plan. Their deed descriptions through the years have merely referred to “Lot 16 of Range 8.” As those original ranges and lots had been surveyed and blazed (albeit 200+ years ago), there was no need for further description. Our land, however, has been subdivided and recombined a few times over those 200 years. I traced back to the deed which first assembled original lots into a 250-acre parcel that was later divided into the lots which we purchased.



The first modern survey of the land in question was done in 1966 by Truline, and Shane pulled it out of the files. The descriptions on the map are minimal. There is an art to drawing a survey map. Beyond the accuracy of the actual lines, it needs to show the monumentation, such as corner pins and rock cairns. Often, helpful features such

the eighteenth century, towns were subdivided into lots that could be surveyed and sold. These “lotting plans” vary by town in Vermont, and even vary within a town. In Peacham the first lotting plan, from 1774, was only a portion of the town, three miles square. Later surveys filled out the plan and include some oddball lots on the edges. In Guildhall the

as stone walls or wire fences are shown. Most surveyors cite on the map the key deeds that they used.

I found two later surveys from 1987 and 2005, the latter having been done to make the subdivision creating our parcel. A quitclaim deed from 2004 shows the acceptance by the neighbor of the boundary shown in



Tim McKay

the 1987 survey. I took photos of all the pertinent surveys and deeds, and was confident that we could then do the field work and accomplish what we needed. There were, however, two anomalies that I couldn't solve in the deeds and maps. For those, we needed field reconnaissance.

Survey crew chief Craig Weston and I met at the property on a rainy morning, suited up, and donned backpacks heavy with equipment, snacks, and water. We needed three tripods, so we hoisted those on our shoulders and hiked half a mile back into the woods to the back line. First we needed to locate a pin that lay in the standing water of a beaver pond, about 30 feet from the closest dry land. I had my high barn boots, so I circled the pond to the best approach and waded in, using the survey rod as a crutch and probe. In places the rod sank deep into the muck, but I was able to move from rock to stump to rock and not go over the top of my boots. A cedar had luckily fallen across the deepest spot, and I shinnied my way across it, landing me near the survey pin that was shown on the maps, but was now under water. It took me about ten minutes of careful searching to find the pin, the cap of which was about eight inches under the surface. Craig found a sight line and set up his tripod with the digital instrument that records angles and distances. I plumbed the rod over the pin and he took the "shot." Our survey had begun.

We leap-frogged our way with the tripods along the back line, which is the line between lots 15 and 16 in the original lotting plan. It was flagged, but in 2800 feet we discovered only two old blazes on trees. Much of the land on both sides of

the line had been logged 30 years ago. The fact that nearly all blazed trees are gone suggests that the logger wandered over the boundary and cut the boundary trees to obscure his trespass.

At the top of the hill, we found our second key pin. This is the corner of lots 15 and 16 and ranges 7 and 8, and as such should be clearly marked. It isn't. Unfortunately, we also found a second pin, 85 feet from the first, located along the line between ranges 7 and 8, perpendicular to the line we were surveying. There was also a red-painted post lying on the ground, but from the engraved writing on two sides we could tell it did not belong there, presumably having been moved by someone, sometime. Oh, what a tangled web we weave.

After three more hours of walking lines and searching for evidence of previous surveys and blazes, we met back at the office to confer. The evidence for the lot line is not cut and dried, but the flagged line and the pins set by previous surveyors are clearly in common use. The decision was made to note the conflicting evidence, but go ahead and use the line as it is. So with another day out there setting our back corner and blazing the missing line, our boundary will be set. At least we will have done all we could to validate the description in the deeds. Life, sometimes including even the best land survey, is uncertain. 🌲

Tim McKay is a conservationist, tree farmer, furniture maker and writer who lives in Peacham. Tim retired in 2010 from a career with the USDA Natural Resources Conservation Service field office in St. Johnsbury.

Richard M. Hitchcock *(July 20, 1930 – July 3, 2017)*

Vermont L.S. 35



Richard M. Hitchcock, 86, passed away unexpectedly on Monday, July 3, 2017, at the Springfield Hospital.

He was born on July 20, 1930, in Springfield, Vermont, the son of Ivan and Blanche (Butterfield) Hitchcock. He attended Springfield schools, graduating from Springfield High School

and the Co-Op Program in 1949.

Richard served in the United States Army National Guard Company D from 1950 to 1953, during the Korean War. On July 17, 1954, he married Nancy Spaulding in Springfield, Vermont.

He was employed in the pattern shop at Jones & Lamson Machine Tool Co. for a short time before starting his 32-year career as head of the survey division of Dufresne-Henry Engineering in North Springfield, Vermont.

He enjoyed all aspects of woodworking. He owned and operated Sign Crafter for 25 years, creating hand-carved wooden signs. Richard had an inventive mind. He looked at the world with a unique perspective, an attribute he passed along to his children.

He was an active member of the Vermont Society of

Land Surveyors, and a lifetime member of the Springfield United Methodist Church. He was a youth leader for many years and held a variety of offices within the church. He made the wooden sign for the church. Richard loved to talk about the Bible and share his faith with others.

He is survived by his wife, Nancy, of North Springfield; three daughters, Patricia Doherty and her husband, Gerard, of Pittsfield, MA, JoAnn Grey, of Wichita Falls, TX, and Margaret Hitchcock-Steger and her husband, Kurt, of Brooklyn, NY; six grandchildren, William Doherty, Eliza Kennedy, Timothy Doherty, Matthew Grey, Stephanie Gorham and Whitney Philippi; five great-grandchildren, Allison Doherty, Kaitlyn, Greyson, Lily and Sally Gorham; as well as many nieces, nephews and their spouses.

Richard was predeceased by his parents; brothers Raymond and Robert Hitchcock; sister Priscilla Connor; nephew Raymond Jr.; and son-in-law Stephen Grey.

A memorial service was held on Thursday, July 20, 2017, at 11 a.m. at the United Methodist Church in Springfield, Vermont. A private family burial will be held a later date.

Anyone wishing to make a donation in his name, please consider the Springfield United Methodist Church, 10 Valley St., Springfield, VT 05156.

Robert S. Green *(May 23, 2017)*

New York L.S. 049137



Robert S. Green, 70, passed away at his home in Orange City, Florida on Tuesday, May 23, 2017.

He is survived by his partner, Sandra Davis; daughter, Emily (John) Carter; three grandchildren, Elizabeth Carter, Nicole Carter, and Kevin Carter; mother, Laura Putnam; sisters, Kathleen Lasinski

(Bernard Kaminski), Deborah (Raymond) Towndrow, and Delores Murphy along with his brother, John Green and his former spouse, Margaret Shields, former Administrator of the Vermont Society of Land Surveyors.

He was predeceased by his former wife, Diane Lynch

Green and father, John Burns.

Robert graduated in 1964 from Syracuse Central Technical High School. He was a member of New York State Association of Professional Land Surveyors (NYSAPLS) and was very active in his profession as a land surveyor. He started his career at Konski Engineers and later worked for New York State. He also edited "The Journey" by Dale W. Glenn.

Family and friends were invited to a Memorial Service at Holy Cross Polish National Catholic Church, 3690 Armstrong Road, Lakeland, N.Y., on Saturday, July 15, 2017 at 11:00 a.m.

Contributions: American Cancer Society , 6725 Lyons Street, East Syracuse, NY 13057.



Jan. 19, 2017 • 6 p.m. • AIV Building, Montpelier

Present: Mark Day, Kelly Collar, Brad Holden, Keith Van Iderstine, and Nate Yager. Absent: Gayle Burchard, Lisa Ginett, Ian Jewkes

The meeting was called to order at 6:05 p.m.

SECRETARY'S MINUTES

The minutes of the November 17, 2017 Executive Committee meeting were approved.

TREASURER'S REPORT

The committee accepted the 2016 year-end financial report; total income was \$66,708.28, total expenses were \$66,721.39, with net income for the year of -\$13.11. Kelly noted that the 2016 expenses include advance security deposits totaling \$1,413 for 2017 programs. Final net worth for 2016 was \$62,224.26. The group also accepted the financial report dated Jan. 15, 2017; total income thus far is \$12,810.00, total expenses are \$4,519.35, with a net income of \$8,290.65. Net worth equals \$68,154.91.

ADMINISTRATOR'S REPORT

Kelly reported on the meeting of the Program Committee, which had just taken place on Jan. 14. The Program Committee was making plans for VLSL 2017 events: the Spring Seminar is April 21 at the Inn at Essex, the Fall Conference is Sept. 21 & 22 at Stoweflake Resort, and the December Seminar is Dec. 15 at the Capitol Plaza.

Kelly also briefly highlighted findings from the survey of members; most responded that they're interested in learning about boundary law and legal issues. Brad suggested inviting members of the Bar Association to attend a seminar that focuses on this topic. VLSL members also want to learn about new technologies like GPS, UAV, and LIDAR.

The group discussed interest in VLSL committees. Dan Martin volunteered to lead the Geodetic Committee. Mark will contact Dan to ask about getting the committee started.

PLAT LAW

The committee talked about finding someone to introduce specifications for the Plat Law, now that Bob Krebs is no longer a legislator. Brad will talk with Bob Krebs and the state archivist about how to proceed.

VIDEO PRODUCTIONS

Now that we're into winter, the group agreed that spring would be a good time to produce the video about land surveyors. Mark knows a young surveyor who could be featured, and he has equipment that we can use. Brad will continue to work on the script, which needs to be finalized by spring.

There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,
Kelly Collar, Secretary pro tem

Feb. 16, 2017 • 6 p.m. • AIV Building, Montpelier

Present: Gayle Burchard, Kelly Collar, Brad Holden (by speaker phone), and Keith Van Iderstine. Absent: Mark Day, Lisa Ginett, Ian Jewkes and Nate Yager.

Also in attendance were staff members from the Vermont Center for Geographic Information (VCGI): John Adams, Director, and Leslie Pelch, GIS Project Manager and Outreach Coordinator.

The meeting was called to order at 6:08 p.m.

CONVERSATION WITH VCGI

John Adams and Leslie Pelch came to discuss the Statewide Parcel Mapping System and gather input about whether VLSL would support requiring land surveys for new subdivisions in Vermont. The idea would be to make it a requirement that all plans use state plane coordinates, so they can be entered into the GIS database. There was much discussion and, in the end, committee members expressed their support for this idea. Leslie and John will talk with other organizations and legislators to get more feedback. Brad and Keith both offered their help as the project moves forward.

SECRETARY'S MINUTES

Since there weren't enough Executive Committee members present to vote on the January 19, 2017 minutes, the group postponed reviewing the minutes until the next meeting.

TREASURER'S REPORT

The committee accepted the financial report dated Feb. 13, 2017; total income thus far is \$14,582.00, total expenses are \$9,844.42, with a net income of \$4,737.68. Net worth equals \$64,109.04. Keith mentioned that he is working to get a VLSL credit card for Kelly to use for VLSL-related expenses. He is providing documents to Citizens Bank to get the ball rolling.

ADMINISTRATOR'S REPORT

Kelly gave an update about plans for the Spring Seminar, which will take place on April 21 at the Inn at Essex. Ray Hintz will speak about mapping with drones and the use of Lidar and scanning, and Tim Patch will discuss actual projects where these technologies were used. Kelly will send out an email newsletter within the next few days, and she is about to start working on the spring issue of The Cornerpost.

Kelly also mentioned that Wayne Kelloway, owner of e-Topo, passed away the week before. She asked if VLSL would like to make a \$100 memorial donation in his name. The members present suggested sending out an email motion to approve, so that the entire committee could vote on this. (The motion was approved the following day, by an email vote.)

There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,
Kelly Collar, Secretary pro tem

March 16, 2017 • 6 p.m. • Conference Call

Present: Gayle Burchard, Mark Day, Keith Van Iderstine, Lisa Ginett, and our Administrator, Kelly Collar. Absent: Ian Jewkes, Brad Holden and Nate Yager.

The meeting was called to order at 6:04 p.m.

SECRETARY'S MINUTES:

There were not enough members who had been present at the past two meetings to vote to approve either the minutes from the January 19, 2017 or February 16, 2017 Executive Committee meetings. The minutes were tabled pending approval at the next Executive Committee meeting in May.

TREASURER'S REPORT

Treasurer's report for the period of Jan 1 to March 14, 2017: Total income for the period is \$15,761.05, Total expenses were \$13,300.13, for a Net Income of \$2,460.75. Bank Account Total = \$62,186.95.

ADMINISTRATOR'S REPORT

Kelly discussed changing the discount rates for the Spring Seminar. She pointed out that Life Members receive a 25% discount; three or more from the same firm receive a 20% discount; and non-member technical staff receive a 20% discount. She noted that 30% to 40% of attendees at VSLS events are receiving discounts and, accordingly, she advised that we would need to reduce the discounts and/or raise the rates to attend our events. The VSLS Executive Committee agreed to lower the discount to 15% for non-member technical staff and three or more from the same firm to help with the shortage. Being that the budget is flat we also need to raise our rates to attend our events. Our Spring Seminar will be held at the Inn at Essex on April 21st and rates for the space and meals will be higher there than normal. By the time today's meeting was held people had already begun to sign up to attend so it is too late to raise our rate for this event. We agreed with Kelly that we should add another \$5.00 to the rate for our next event.

The group discussed other possible revenue streams, such as raising our advertising rate for "The Cornerpost," but it was decided that to do so would not add much revenue and might drive some of our regular advertisers away.

Kelly mentioned that she continues to receive calls regarding how someone might enter the profession. She spoke to Ethan Gilmour, our Young Surveyors representative to NSPS, and he graciously volunteered to have his group available to give guidance to interested people. Kelly will add a page to the VSLS website to guide people to the young surveyor's committee. There was a suggestion from Andy Dussault to add a "classifieds" page to the VSLS website for surveying equipment needed or for sale. The group agreed to give the page a try.

Next week is National Surveyors' week and Kelly will send out a Newsletter about the day and the 2017 Vermont Surveyors Week Proclamation by the Governor of Vermont.

PRESIDENT'S REPORT:

Gayle discussed that we have apparently been paying a sponsorship fee to the New York State Education Department in order to be able to give credit hours for our seminars to licensed surveyors from that state. Apparently we had paid for this three years ago, and our sponsorship expired in February. The group agreed that there were enough regular attendees from NY at our events to make this \$900 expenditure worthwhile, so we will renew our sponsorship for another three years and review the issue later to confirm that it's a worthwhile investment.

BOY SCOUTS

Keith will ask the Boy Scout Council if we can give a donation toward our local scouts attending the Boy Scout Jamboree, which takes place every four years. We would hope that the VSLS Education Foundation could be named as a sponsor for the donation.

There being no other business, the meeting was adjourned at 7:47 p.m.

The next Executive Committee meeting will be held in May, since we have the Spring Seminar on April 21, 2017 at the Inn at Essex in Essex.

Respectfully submitted,
Lisa Ginett, Secretary

photos
ARTICLES
suggestions

NEWS
random notes

We want to hear from you! Send your info to kelly@vsls.org.

attention members

Executive Committee meetings are held on the third Thursday of every month. All members are welcome to attend. Email kelly@vsls.org for more information.



May 18, 2017 • 6 p.m. • J. Morgan’s Steakhouse, Montpelier

This meeting was held at J. Morgan’s Steakhouse in Montpelier, Vermont and was called to order at 6:25 p.m. In attendance were Gayle Burchard, Keith Van Iderstine, Lisa Ginett, Brad Holden, Ian Jewkes, Nate Yager and our Administrator, Kelly Collar. Absent: Mark Day.

SECRETARY’S MINUTES

Minutes for two Executive Committee meetings dated January 19, 2017 and February 16, 2017 were reviewed. Upon motion duly made and seconded it was unanimously **RESOLVED**: to approve the minutes of the January 19, 2017 and February 16, 2017 Executive Committee meetings.

TREASURER’S REPORT

Treasurer’s report for the period of January 1 to May 10, 2017: Total income for the period is \$ 30,447.85, Total expenses were \$ 29,017.22 for a Net Income of \$1,430.63. Bank Account Total = \$60,575.18. Our total profit from the Spring Seminar was \$4,707.34. At this time approximately 90% of members have paid their dues.

Kelly and Keith discussed the fact that our CD was coming due and how to reinvest that money. Last year we received \$24.00 interest on our \$17,000.00 CD, which is very poor. North Country Credit Union is offering a 2.05% CD for a 5-year period. We discussed taking enough money out of our savings to add to our investment to total \$40,000.00 and to take out a 5-year CD on this amount. We wondered if we would be able to roll the CD over to a better rate based on higher interest rate availability in the future. Kelly says that the current penalty is 6 months’ worth of interest. She will check on the rollover possibility and get back to us so that we can vote at the next meeting to finalize the CD decision.

ADMINISTRATOR’S REPORT

Kelly discussed the fall conference, which will take place at the Stoweflake in Stowe, Vermont on September 21 and 22. We will have a half-day seminar on Thursday about legal issues, another half-day seminar on Friday about legal issues, and a 2-hour afternoon seminar on dendrology. We briefly discussed various people who might teach the seminars.

Gayle and Kelly also proposed a joint meeting and cruise with the Program Committee on August 18 on the Spirit of Ethan Allen. It will start at 4:00 PM.

PRESIDENT’S REPORT

Gayle discussed her frustration with getting anyone to take a position on any of the standing committees. We really need a Nominating Committee to help find people to join the committees. Larry Walters agreed to help with a Preservation Committee, but not to chair the committee. Gayle is ready to try raising dues in order to hire some people to get the work done that should be completed by the committees.

BOY SCOUTS

Keith spoke with the Boy Scout Council, and they accepted our offer to donate \$200 toward a Scout’s fee to attend the Boy Scout Jamboree. The Council was willing to give VLSL some PR by way of a press release thanking us for the donation. We need to make the donation in the next month to be in time and we hope for some photos for “The Cornerpost.” Upon motion duly made and seconded it was unanimously **RESOLVED**: to donate \$200 toward a scout’s attendance of the Jamboree.

OTHER BUSINESS

Brad is ready to shoot the video on surveying. We need to line up equipment and people. Harry Petrovs offered a possible collaboration with Paul Smith’s College on the video. Brad wants to shoot the video footage on June 16 & 17, or June 23 & 24 in the Underhill/Jericho area (where the videographer lives). He would like to gather the latest equipment and some of the younger surveyors for a one-day shoot. The surveyors would briefly discuss why they are surveyors and the remaining video could be voiced over. Brad notes that the videographer has some great drone flight footage that might be utilized as part of the video.

Our membership in the Vermont Historical Society is running out and it was discussed that we should renew at a higher rate. We also discussed taking a field trip to the Barre site for a tour, which should be interesting to our membership.

There being no other business, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,
Lisa Ginett, Secretary

Did You Know?



The surveying program at the University of Maine has an on-line master’s program in surveying studies. Contact Ray Hintz for more information.

MORE INFO: engineering.umaine.edu/psm

CONTACT: Raymond.Hintz@umit.maine.edu

Present: Gayle Burchard, Mark Day, Keith Van Iderstine, Lisa Ginett, Nate Yager and our Administrator, Kelly Collar. Absent: Ian Jewkes and Brad Holden.

The meeting was called to order at 6:05 p.m.

SECRETARY'S MINUTES

Minutes for the Executive Committee meeting dated May 18, 2017 were not available and will be reviewed at our next meeting.

TREASURER'S REPORT

Treasurer's report for the period of January 1 to June 13, 2017: Total income for the period is \$31,189.85, total expenses were \$32,558.62, for a Net Income of -\$1,368.77. Bank account total = \$58,055.28. Kelly noted that there were two expenses that we hadn't included in our budget: \$900 to renew our State of New York education sponsorship for a three-year period, which allows us to offer credit hours for New York licensed surveyors, and a \$200 donation to the Green Mountain Boy Scouts.

Invoices were just sent out to our advertisers from "The Cornerpost," and Kelly says that our Program Expenses are tracking well.

Kelly found that we could not roll over our CD to a better rate in the middle of our investment period without being penalized. The penalty would be 6 months' interest. If we wait until August to invest our \$40,000 at 2% for a 5-year period, we would lose approximately \$410 in penalties if we rolled it over before the end date.

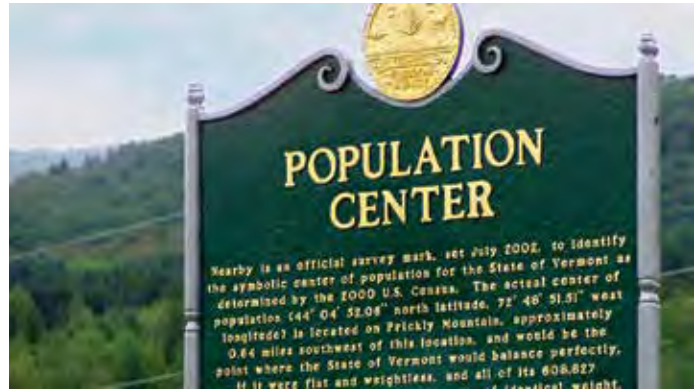
ADMINISTRATOR'S REPORT

Kelly is completing her work for the fall conference, which will take place at the Stoweflake in Stowe, Vermont on September 21 and 22. We will have 4 hours on Thursday afternoon with Jay Doody speaking on "Finding Case Law for Land Surveyors," 4 hours on Friday morning with Steve Nix speaking on "The Surveyor's Role in Adverse Possession and Acquiescence," and 2 hours on Friday afternoon with Charlie Cogbill speaking on "The Ecology of Early Vermont Surveys."

We also discussed exhibitors and how to encourage attendees to interact with them. Kelly suggested an idea that other states have done, giving a "passport" to attendees that they can have stamped by each exhibitor; those who have a fully-stamped passport can put it in a drawing for prizes. Suggestions for prizes were an Amazon Tablet, a Vermont gift basket and a Visa Gift Card. The group thought it was a great idea. Kelly also asked that we send any stories or photos to her for submission into "The Cornerpost."

PRESIDENT'S REPORT:

Gayle informed us that Brad had chosen June 29, with a rain date of June 30, for the video shoot. She was not certain if



Brad had contacted anyone to be in the video. Kelly offered to email Brad tonight about the status of his communication with those showing interest in being in the video. Mark can attend for one day with his young colleague and some equipment. Some of the group wondered about changing to the weekend in order to have more people available.

We discussed ways to get our most necessary committees started up. Gayle will try to get some people together for the Preservation Committee, so they can get started and have something to present at the September seminar. Kelly mentioned that Mike Gaines recently joined the Program Committee.

OTHER BUSINESS:

The group discussed the new Spatial Data Website put up by VTRANS. Perhaps VLSL could ask Ryan Cloutier to speak to the group about access and contacts. The site contains a large amount of State of Vermont Right-of-Way data. Leslie Pelch plans to speak to the group as well. The group discussed several preservation issues. One issue involves how to create a workable index of all of the existing scans of older surveyors' maps and how to make the plans available to the VLSL membership. The group, hopefully led by the Preservation Committee, needs to find funding to enable us to index the maps and present them in an easily used format for the membership. It would be a great extra value to members of VLSL to be able to look up and use these old maps. The second issue is to create an updated list of companies that own the old survey records of inactive surveyors and to publish it for the membership. The current owners of the surveys could set their own fee for looking up and sending out the requested data.

Kelly has notified the Vermont Bar Association about our fall seminar, since it focuses on legal issues of surveying, in order to invite their membership to attend. The VBA has agreed to advertise the seminar on its website.

There being no other business, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,
Lisa Ginett, Secretary

BY DICK BOHLEN, L.S. #7, *retired*

Reminiscences About the Frustrating and Fun Search for Ancient Monumentation

When I started doing survey work in Vermont's Northeast Kingdom in 1950, most of the back, or woods, lines were marked with the remnants of wire fences, board fences, rail fences or stone walls. The property corners were marked with remnants of wooden posts, with or without stones, fence corners, or in some cases stone posts. It was a real challenge for us at times to recover that monumentation, but it was certainly fun.

I can remember following a wire fence in the village of Peacham that was buried about 4 inches deep, and we recovered it using a magnetic locator. This was also true on the top of Cow Mountain in Peacham. Up there, we were able to pull the fence up out of the ground and were also able to re-establish the corner by the loops in the fence that used to hold the corner post. In the back woods of Groton, we were able to follow an old wire fence, where the wire and the posts were all gone, and all that was left were the staples we found using a locator. Then there was a bound that we followed in Cabot that used to be marked with a rail fence, and all that was left were the stones that held up the rails, in a zig-zag pattern and spaced every 10 feet or so.

Corner markers were even a bigger challenge, since the wooden posts were usually rotted, laying on the ground, or gone. Sometimes we were able to find the stones that were around the posts, but again, they were usually buried.

I recall searching for a corner post in Greensboro that was clearly called for in the deed. We were able to establish the location by crossing two deed call

distances, but found nothing but mowed lawn. In those days, we carried "chaining pins" with us that were steel pins about a foot long: a ring on one end, and the other end pointed. We probed the ground with these, hit some pithy wood, dug it up and found the pointed end of the old corner post. Hooray!

I recall finding a stone post in Wheelock that fascinated me. It marked the corner of four original lots and stood at the end of a stone wall, a good 3 tall. It was still plumb, and I was curious as to the length, dug it up, and found it to be at least 6 feet long! It took some time and energy for someone to mark that corner!

I think that my most dramatic find came in the town of Waterford. John Nagle and I were doing a survey on a hundred-acre lot using the compass and tape technique. We were following a wire fence and started from a lot corner that I had established in a former survey. The fence ran along the lot line bearing for most of the distance, but veered off of the bearing where the line slabbed

up a rocky incline. (Can't blame the farmer for not building the fence up there; he sure did not want his cows climbing that slope anyway).

We ran the line up that slope and onto a flat until we got to where the corner should be. Nothing! So we started searching, making circles around the spot. Nothing! I clearly



In the back woods of Groton, we were able to follow an old wire fence where the wire and the posts were all gone, and all that was left were the staples we found using a locator.



The photos show the author's most dramatic find, in the town of Waterford.

remember stubbing my toe on a piece of ledge that stuck out of the ground about a foot and at a 45-degree angle. So we started running a compass line on the intersecting bound and looked for any line monumentation. Sure enough, we found the remnants of a wire fence on that line and running on the correct bearing. We then back-tracked on the bearing to where the corner should be, and did the circling thing again and found nothing. But again I stubbed my toe on that same piece of ledge! Hmm!

Out came the machetes as we dug up the upper side of that piece of rock until we were able to pull it plumb. Low and behold, the lower side of that piece of rock was painted! Further investigations showed that it was not only painted, but **the lot numbers and range were chiseled into the stone!**

For a surveyor, that was like finding the pot of gold at the end of a rainbow! That piece of ledge turned out to be about 4 feet long and pretty flat on the side with the lot range and lot

numbers. Some careful surveyor in times past had taken great pains and a lot of time to set that corner.

We continued with our survey and found a big boulder at the top of a steep slope that was on the line. We wanted to drill a hole in the top of that boulder and set a brass pin on the boundary, so we marked the spot for the pin and finished the survey. When we went back to drill that hole and set that pin, we took pictures of the stone post lot corner, after we had stoned it up, which you can see in the photos here. 📷




2017 Fall Conference



Thursday and Friday, September 21-22, 2017
Stoweflake Resort & Conference Center • Stowe, Vermont

Conference Schedule

Thursday, September 21

- 12:00 PM** Registration opens / Pacing Competition opens
Lunch on your own
- 1:00–5:00 PM** **Finding Case Law for Land Surveyors**, 4 hours,
with Jay Doody, PS, PE, Instructor of EGR410
Boundary Law, Charter Oak State College
- 2:30–4:45 PM** Exhibitors Set Up in Exhibit Hall
- 5:00–6:00 PM** Exhibitors Reception & Demos in Exhibit Hall
 Exhibitor Passport Visits
- 6:00–7:30 PM** Dinner

Friday, September 22

- 7:00 AM** Registration opens
- 7:00–8:00 AM** Breakfast in Exhibit Hall /  Exhibitor Passport Visits
- 8:00–10:00 AM** **The Role of the Land Surveyor: Adverse Possession and Acquiescence**, 4 hours, with Stephan Nix,
Attorney at Law and Licensed Land Surveyor
- 10:00–10:30 AM** Extended Morning Break /  Exhibitor Passport Visits
- 10:30AM–12:00 PM** **The Role of the Land Surveyor**, *continued*
- 12:00–1:00 PM** Luncheon
- 1:00–1:30 PM** VSLs Business Meeting / Pacing Competition Closes
- 1:30–3:30 PM** **The Historical Ecology of Early Vermont Surveys**, 2 hours,
with Charlie Cogbill, Forest Ecologist
- 3:30 PM** Final Business / Results of Pacing Competition
Drawing for Exhibitor Passport Prizes

» CONTINUING EDUCATION: This event has been approved for 10 professional development hours by the Vermont Board of Land Surveyors. Hours are valid in New York as well.

? QUESTIONS? Contact Kelly Collar at 802-229-6358 or kelly@vsls.org



Fill Your Exhibitor Passport and Win!

You'll have three opportunities to visit exhibitors during the conference and fill in your Exhibitor Passport. If you visit them all, you'll be entered into a drawing for prizes including an Amazon Fire Tablet, a Vermont gift basket, and a \$50 Visa gift card.



Hotel Accommodations

The Stoweflake is offering a discounted overnight rate for those attending the conference: \$159 plus tax. To reserve your room, please call 802-253-2232 and mention the Vermont Society of Land Surveyors. Please make your reservation as soon as possible to guarantee availability. There are many other hotels nearby offering a range of overnight rates. Reserve now!

Conference Seminars

Finding Case Law for Land Surveyors

Jay Doody, PS, PE, Boundary Law Instructor, Charter Oak State College

Land surveyors must know the law. Vermont boundary law is rooted almost entirely in state statutes and regulations, and state case law. The purpose of this seminar is to learn how to find and evaluate online legal resources at our disposal and learn more about how to prioritize and weigh the results of our boundary law research. Some important legal principles of Vermont boundary law and their origins will be presented, including evidence, adverse possession and the rules of construction. We will also remind ourselves that knowing the law cannot be equated with practicing law.

The Land Surveyor's Role: Adverse Possession and Acquiescence

Stephan Nix, Attorney at Law and Licensed Land Surveyor

Stephan Nix will discuss the land surveyor's role and responsibilities in adverse possession and acquiescence cases. The discussion will compare and contrast the elements of adverse possession, acquiescence and other equitable claims to real property such as estoppel and laches. The discussion will also address the surveyor's role in applying the doctrine of "practical location." Practical location refers to the long held rule in boundary law that monuments in the field control over the mathematically calculated metes and bounds described in deeds and on plans. Common misapplication of the rule leads to the "pin cushion corner" and unnecessary litigation. Chief Justice Thomas M. Cooley's "The Judicial Functions of Surveyors" will be reviewed as background for this discussion.

The Historical Ecology of Early Vermont Surveys

Charlie Cogbill, Forest Ecologist

Paleo-botanist Charlie Cogbill will discuss the corner tree research he has conducted over the past three decades. Participants will learn what the forests looked like before Europeans arrived, and subsequent changes in species and the forest structure over time. The presentation will discuss historical maps and compare them with today's forests, providing vital insights into the forests of our future and informing the work of land surveyors today.

Conference Fees (through September 1)*

	Full Conference (includes all meals both days)	Thursday Only (includes reception, but not dinner)	Friday Only (includes all meals on Friday)
Member in good standing from VSLS or kindred association	\$230.00	\$115.00	\$170.00
Non-member	\$330.00	\$165.00	\$220.00
Life Member	\$172.50	\$86.25	\$127.50
Non-member technical staff attending with member	\$195.50	\$97.75	\$144.50
Three attendees from same firm (one must be member)	\$195.50	—	—

PLEASE HELP US AVOID FOOD WASTE. The full conference fee includes both the reception and dinner on Thursday. Please confirm whether you plan to stay: **Reception** yes no / **Dinner** yes no

ORDER ADDITIONAL MEALS FOR SPOUSE OR FRIEND. Name _____

Thursday Reception, \$10 Thursday Dinner, \$60 Friday breakfast, \$25.00 Friday lunch, \$35.00

Registration (please complete this form and mail it with your payment, or register online at vsls.org)

Name _____

Address _____

Email _____

Dietary restrictions _____

Check enclosed (payable to VSLS) for \$ _____

Credit card payment: VISA MC AMEX DISC

Card Number _____

Exp. Date _____ Security Code _____

Please return form with payment to: VSLS, P.O. Box 248, Montpelier, VT 05601-0248. Questions? kelly@vsls.org

Payment will be refunded in full if cancellation is received at least one week prior to the event. Substitutions are allowed.

*Add \$50 late fee after September 1



The Cornerpost

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