

**Section Corners, How Determined. Survey Public Lands,  
How Determined. Government Survey, How Determined.**

The center of a given section within a public survey is a point equidistant from the four corners of the section as established by the United States Survey and the quarter section line is a straight line from a point equidistant from the section corners on a given side of a section to a similar point on the opposite side of such section.

April 6, 1912.

Mr. F. H. Ray,  
Register, State Land Department,  
Helena, Montana.

Dear Sir:

I acknowledge receipt of your communication of the 1st inst., with which you transmit letter of the state engineer and request an official opinion,

“As to what constitutes a legal subdivision of a section?”

Under the provisions of the United States Revised Statutes (1878) Sections 2395 and 2396 (U. S. Comp. St. 1901, pp. 1471-1473) public lands are to be surveyed into townships six miles square and each township in turn is to be subdivided into thirty-six sections of a mile square. This is the smallest subdivision of a township provided for by statute, however, it is customary to subdivide sections, but the corners of quarters sections are not definitely fixed but are to be placed equidistant between the section corners and on the same line.

32 CYC. 799 (2).

The purchaser of a half or quarter section is entitled to one-half or one-quarter of whatever the section contains.

Walters vs. Commonwealth, 2 Port. (Ala.) 38.

"The description and plat of the original government survey made by the surveyor general from the field notes and filed in the general land office are conclusive; and the section lines and corners as laid down in the description and plat are binding upon the general government and upon all other persons concerned."

32. CYC. 801 (4).

The true corner of government subdivisions, namely, townships and sections, is where the United States surveyor established it whether this location is right or wrong, and in locating lines the course and distance and monuments given in the field notes of the government surveyor should be followed without regard to whether this gives more land to one subdivision than to another, and in case of discrepancy between the field notes and the plat, the field notes govern and the land department may properly correct the plat so as to conform to the field notes, in which case the plat as corrected supersedes the original.

32 CYC. 802.

Harrington v. Boehmer, 66 Pac. (Cal.) 214.

From the foregoing suggestions it is my opinion that to ascertain the center of a given section it is necessary to locate the same equidistant from the four corners of the section as established by the United States survey, and that a quarter section line is a straight line from the point equidistant from the section corners on a given side of a section to a similar point on the opposite side of said section.

Yours very truly,

ALBERT J. GALEN,

Attorney General.