

Survey, Public Land. Public Land, Survey Of. Survey, of
Irregular Section. Irregular Sections, Survey Of. Section
Center Of.

In ascertaining the center of a given section irregular in shape, the center should be established at a point as nearly equidistant as possible from the section corners as established and the inner lines should be as nearly parallel as possible with the exterior lines of the section.

August 5th, 1912.

Hon. A. W. Mahon,
State Engineer,
Helena, Mont.

Dear Sir:

On May 17th, 1912, in reply to a request from you I addressed a communication wherein I expressed the opinion:

"That the center of a section is the point at which straight lines drawn from the quarter section monuments as established on the boundary of the section would intersect."

Since receiving that opinion, to-wit, on June 24th, you have submitted to me diagrams showing five irregular sections contained in townships 19 and 20 North of Range 6 East, and request that you be given specific instructions as to the manner in which said irregular sections shall be subdivided.

There is no question in my mind but what the opinion expressed in my letter of May 17th correctly states the law in accordance with the weight of authority as to the manner of subdividing and thus ascertaining the center of a given section of public lands; but the cases and authorities so far as I am able to find did not have in contemplation at the time of their decision, sections so irregular in form as those submitted in your communication of June 24th. Were it not for the fact that these monuments have actually been discovered and located

by you in the field, and for the fact that the plats submitted are correct it would be hard to conceive of a United States surveyor returning work in such an incomplete form as that disclosed by your communication.

In the present case it would be impossible to apply any defined rule or principle of law in the subdivision of the sections given, but such sections should be divided in accordance with the principles of equity, and it is my opinion that in the subdivision of the five sections enumerated in your communication of June 24th, that you should locate the center of each said section at a point which shall be as nearly equidistant as possible from the section corners established in the field; and that the interior lines of the section should then be defined by drawing straight lines from the center as thus found and the quarter section corners established on the exterior lines of said section, and as nearly as possible the subdivision lines should be parallel with the exterior lines as established.

As stated above this is not in accordance with the strict rules of law as expressed to you in my opinion of May 17th, but in such a case the court if called upon to subdivide the sections would undoubtedly apply the rules of equity as hereinabove indicated.

Yours very truly,

ALBERT J. GALEN,

Attorney General.