

In regard to Mr. Kent's opinion at the SE corner of Section 36, T12S, R30E. Mr. Kent professed over and over that 18 years was reason enough to not reject the monument set by Mr. Ferguson in Survey No. 785. I do not believe that presently in the State of Oregon there is any Statute or rule that allows a corner that is improperly established to ripen into a legal corner because of time. Mr. Ferguson made a professional judgement call, but I do not believe that all the evidence was considered when that judgement call was made. The lack of an objection to a corner, that until now was not known to be in error, is again implying the idea that time will make an improperly placed corner a legal corner.

Mr. Ferguson also states that there are notches and an X on the top of the stone I accepted at the NW corner of Section 2. Mr. Ferguson has not offered any evidence to show that the NW corner of Section 2 is not in its original position as he contends in his narrative. During this survey I found the original corner stone at the SW corner of Section 2, T13S, R30E. The stone was found set upright, 10" in the ground marked with five grooves on the south edge and two grooves on the east edge. I showed this stone to Mr. Ferguson and explained the relationship to the stone I found one mile north. The same GLO surveyor, under the same contract made the closing measurement to the monument that he had just previously set at the NW corner of Section 2. Although the measurement differs by less than five feet from the GLO record measurement, Mr. Ferguson still insisted that the stone I found at the NW corner of Section 2 had moved downhill 50 feet.

The original survey notes by John B. David under Contract No. 131 were examined with these findings. Mr. David established 280 corners in this immediate area which I reviewed. Of those only one corner has bearing trees references, the SE corner of Section 36, T12S, R30E. One corner has a record of a mound of stone at the corner, the SE corner of Section 36, T13S, R31E. Mr. David set single stones with no references and no stone mound at 278 corners in this vicinity. Mr. David's practice of setting single corner stones with no stone mounds or bearing tree references leaves us today with only one way to confirm that a corner stone is in its original position. The relationship to other found corners nearby and the condition in which the stone is found.

The stone I found at the NW corner of Section 2 was lying on its side, 4" in the ground. The stone is 15x10x9, marked with one notch visible on the east edge and three notches visible on the west edge, and an X on top. The surface rock to the east and west of the corner area is moving downhill, the bedrock is exposed and there is no soil depth. But the position that the stone was set in is stable, with 10 inches of top soil and a large juniper tree just a few feet uphill from the stone. When I found the corner stone I considered the position on the slope and the fact that it was obviously the original corner. I had no doubt that I had found the original corner position. Therefore I remonumented the position with an aluminum pipe and cap. Mr. Ferguson could offer no proof that the corner stone in question had moved downhill other than the fact that it was set on a hill. I was the only one who saw this particular stone in its original condition and I concluded that it had not moved. The measurement to the original stone one mile south confirmed to me that the stone at the NW corner of Section 2 had not moved from its original position. Therefore I