

## **MADSON'S COMPILATION OF RULES FOR LAND SURVEYORS\***

### **RULE ONE**

To avoid liability the surveyor should err on the side of safety. Always try to do a little more than an ordinary prudent surveyor would do under the circumstances.

### **RULE TWO**

It is the land surveyor's duty to correctly locate and mark property lines as described in a deed furnished him and to relate lines of possession to title lines. The surveyor cannot and does not assume the responsibility of proving that a given deed is correct and legal; that is a function of an attorney or court of law.

### **RULE THREE**

Search and search well. If it is there, find it. If it isn't, be able to say with certainty that it isn't there.

### **RULE FOUR**

Liability results when the surveyor fails to do correctly the thing that he purports to do.

### **RULE FIVE**

The surveyor is a fact finder. He goes upon the land armed with all the documentary evidence that is available and searches for markers, monuments and other facts. After all the evidence, facts, measurements, and observations are assembled, the surveyor must come to a conclusion from the facts.

### **RULE SIX**

Never set a corner in disagreement with improvements without first satisfying yourself that you are not only right, but that your "right" will prevail in court if necessary.

### **RULE SEVEN**

Discovery of a County Surveyor's monument does not relieve the surveyor of the obligation to look further. The County monument is only proof in the event that superior evidence cannot be discovered. Therefore, the surveyor must seek all other evidence and use the official monuments as though they were the last resort.

## **RULE EIGHT**

The conclusions that flow from the evidence may produce proof. Evidence in itself is not proof of a fact; a conclusion or inference that may be drawn from evidence is proof. In coming to conclusions from evidence, the most important need of the surveyor is the ability to recognize and know what is the best evidence of that available.

## **RULE NINE**

The best evidence of a monument's original position is a continuous chain of history by acceptable records, usually written and dating back to the time of the original monumentation. A found monument without a background history is of little value as evidence; and a set monument is worthless if unidentifiable in the future.

## **RULE TEN**

In civil cases having to do with land surveying and real property, it is only necessary to prove a "preponderance of evidence"; it is not necessary to prove "beyond a reasonable doubt" as in criminal cases.

## **RULE ELEVEN**

It is of the utmost importance that a surveyor seek and find all of the evidence at the time of the initial survey, and this must be done irrespective of costs. The major cause of disagreement between surveyors relates to the lack of discovery of all available evidence. If every surveyor uncovered all of the evidence, differences would be reduced to a minimum, and their surveys would have a finality of location.

## **RULE TWELVE**

A surveyor may be able to compute, make drawings, use instruments and stake engineering projects, but, until he understands property line law and the law of evidence, he is not qualified to make property locations.

\* Carlisle Madson, S674, of Hopkins, Minnesota, has been a WSLM Member for several years. His above "Words of Wisdom" merit a prominent spot in every surveyor's office.

- Taken from Wisconsin Society of Land Surveyors, August 1974, Newsletter 8.