

Etowah's Unchangeable Chapters

#398

by Lloyd Wagon

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Whether hidden or revealed, as communities or as individuals, certain chapters in our past continue to shape the style of our present, and will most certainly limit the latitude of our future. However, a better understanding of the circumstances precipitating past actions can help us to accept present realities, and to more effectively plan for future adaptation and improvement.

A case in point deals with the original survey of the public lands in Alabama and the survey's recognition of, and relationship to the "Old Creek and Cherokee Indian Boundary Line" which meanders through the heart of the area now known as Etowah County.

Under the provisions of The Land Ordinance of 1785, the United States Public Lands were to be surveyed and divided into Townships. A Township was intended to be 6 miles square, containing 36 square mile units called Sections. Each Section would embrace 640 acres, and for further subdivision, into halves of 320 acres, quarters of 160 acres, and quarter-quarters of 40 acres. This system, known as the "rectangular system"

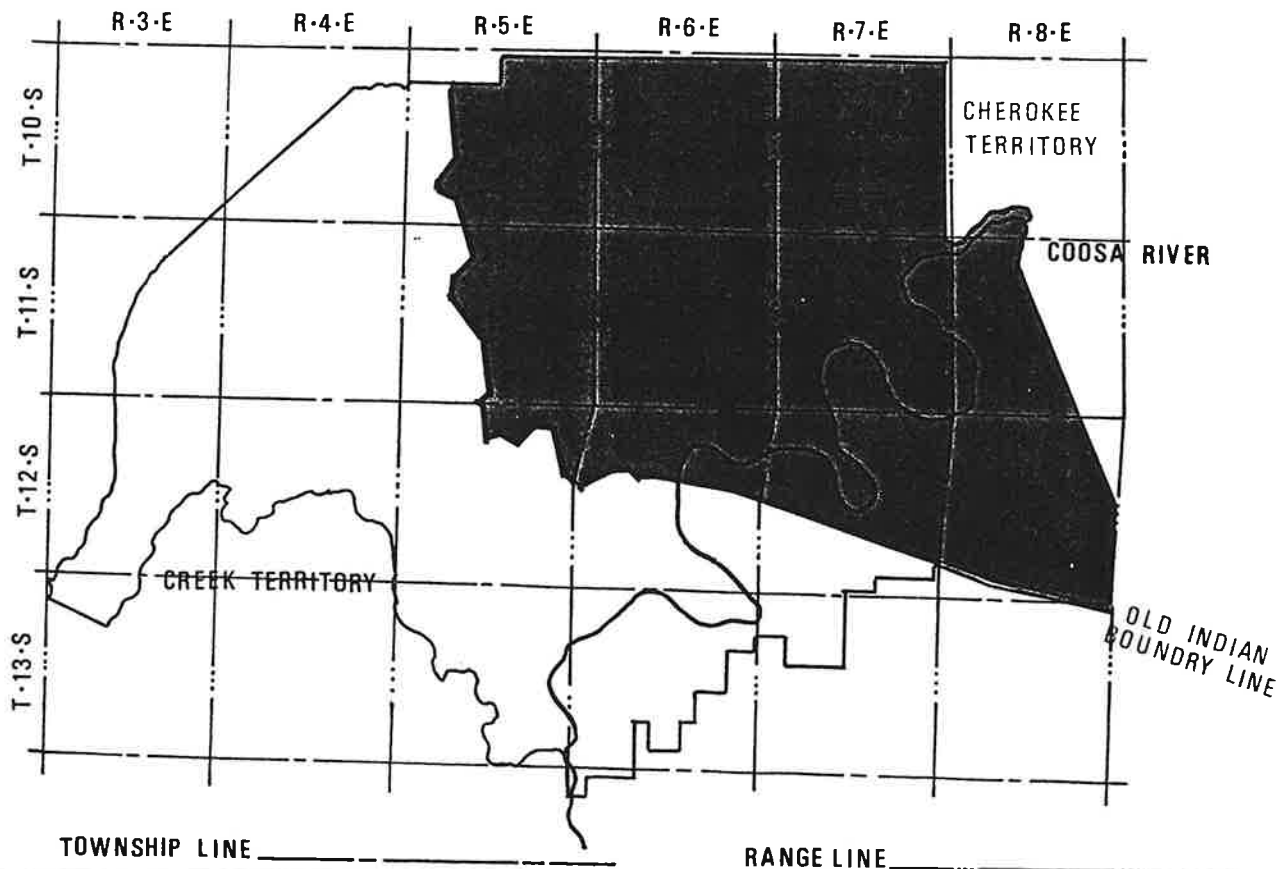
was intended to be oriented with land boundaries bearing north, south, east, and west, established in reference to a Principal Meridian of Longitude and a Base Line of Latitude, in order that a tract of land could be so described as to exclude all other lands on the surface of the earth.

In this regard, Etowah County's fractional townships adjoining the "Cherokee Indian Boundary Line" provide a notable exception to that rule.

Following the battle of Horseshoe Bend in 1814, and the Federal acquisition of the Creek Indian Lands in Georgia, and the status of statehood for Alabama in 1819, the original "Survey of U.S. Lands in Alabama" was commenced.

According to field notes of the original survey, the lands now known as Etowah County fell under the jurisdiction of the "Surveyors District Northern Part, A.S." (Alabama Survey) at Florence, where James W. Weakley was Surveyor General.

Two of the principal surveyors were John Coffee and Jonathan W. Cunningham. These men and their survey parties surveyed most of our area in the decade between 1830 and 1840.



UNCHANGEABLE CHAPTERS

In John Coffee's survey of Townships 10, 11, 12 and 13 in Range 5, and portions of Township 12, in Range 6, he confined his survey to the area west of Line Creek and south of Big Wills Creek, marking these natural boundaries in his notes as "The Cherokee Boundary Line," thereby recognizing the territory of the Cherokee Nation fixed by the Treaty signed at Turkey Town on October 4, 1816.

This Territorial Boundary was also confirmed by Jonathan Cunningham in his survey of the east line of Fractional Township 12 where he ran north "to the Cherokee Indian Boundary Line" where his survey terminated.

Yet, a few miles to the north, the "Trail of Tears" was fast becoming an unchangeable chapter of our local history and our national shame.

Meanwhile, the powers that be had decided to complete the Alabama Survey, Cherokee claims notwithstanding. The Range lines were run southward across the Cherokee Indian Territory to tie into the corresponding lines previously established south of the "Indian Line".

When the survey parties reached the brow of Lookout Mountain, it became apparent that significant miscalculations had occurred and that the projected Range lines would mis-match those to the south by a half mile or more.

With expediency as their guide, upon reaching the location for the north line of Township 12, a Township corner was established and the Range line deflected to the west of south to meet the point previously set at the Cherokee Boundary Line.

In his field notes on the survey of Fractional Township 12, Surveyor William Weakley records as follows: "Beginning at the North East corner of the Township, thence South 10°—10° west—" thus fixing the framework of parallelogram shaped Sections and Fractional Sections for the land which now constitutes the majority area of Attalla, Alabama City, Gadsden, East Gadsden and Hokes Bluff.

In June of 1883, Ellis Phelan, Alabama's Secretary of State, having reviewed the transcripts of the field notes of the original survey of the "lands now lying in the County of Etowah", made the following notation:

"It will seem that the two surveys do not agree. The Huntsville survey of 1820 places the South East Corner of the Township on the West side of the River while the Coosa survey of 1833 fixes it on the East side. I know of no way to reconcile these."

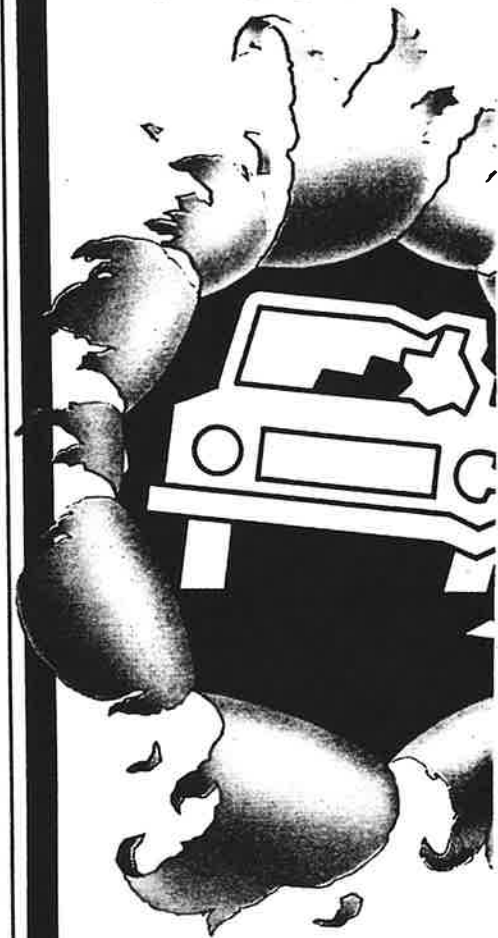
Another unchangeable chapter of our past had been written, indelibly imprinted on the pages of time—and on hundreds of survey plats beginning with Plat Book A, page 1, and continuing until the present hour.

Its effects include the frustration of many home builders attempting to situate a "square" house on a "skewed" lot, and please the owner who doesn't understand the problem. It includes long hours of additional work and research on the part of present day surveyors, attempting to discover the original intent of the parties. It includes anger and hurt over disputed land boundaries, inadequate legal description of real property, and the lasting effects of poor land planning.

Yet, on the positive side, these Chapters of Error have forever marked the memory of the Cherokee by the shape of our land, the bearing of our streets, the wording of our deeds, and in the tears of our hearts.

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W-c

BODY SI

2439 East Meigh
East Gadsden, A
(205) 492-!

Primary. Carboniferous or Grauwacke group. Bituminous coal. Green Sand. Newer Cretaceous strata, a link between the Green Sand and Eocene. Eocene. Recent formation, *Rangia cyrenoides* shell of the Gulf

