

## REVISED STATUTES OF 1846

### CHAPTER 14

#### Chapter 14. Of County Officers.

#### COUNTY SURVEYORS.

##### **54.95 County surveyor; abolition of office; reestablishment of office; eligibility for election or appointment; bond.**

Sec. 95. (1) The county board of commissioners, by resolution, may abolish the office of county surveyor. Action to abolish the office shall be taken before May 15 of the year in which county officers are elected. The term of office of a county surveyor shall not be shortened by that action. The office may be reestablished in the same manner and subject to the same time limitations as is provided for the abolition of the office. If reestablished, the effective date of the reestablishment shall be January 1 of the year in which county officers assume office. A person shall not be eligible to be elected or appointed to the office of county surveyor unless licensed as a land surveyor in accordance with the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.101 to 339.2721 of the Michigan Compiled Laws.

(2) As determined by the county board of commissioners, the county surveyor either shall be covered by a blanket bond or shall give a bond to the people of this state, in the penal sum of \$2,000.00, with 2 sureties to be approved by the county treasurer, conditioned for faithful and impartial discharge of the duties of office.

**History:** R.S. 1846, Ch. 14;—CL 1857, 443;—CL 1871, 585;—How. 614;—CL 1897, 2617;—Am. 1915, Act 229, Eff. Aug. 24, 1915;—CL 1915, 2479;—CL 1929, 1391;—CL 1948, 54.95;—Am. 1964, Act 255, Imd. Eff. May 28, 1964;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979;—Am. 1988, Act 25, Eff. Jan. 1, 1989.

**Compiler's note:** This section as originally enacted was numbered section 96.

##### **54.96 County surveyor; deputies, appointment, revocation; oath of office.**

Sec. 96. Each county surveyor may appoint 1 or more deputies, and may revoke such appointment at pleasure; which appointment and revocation shall be in writing, under his hand, and filed with the county clerk, and such deputies shall take the constitutional oath of office; and for the faithful performance of the duties of their office by such deputies, the said surveyor and his sureties shall be responsible.

**History:** R.S. 1846, Ch. 14;—CL 1857, 444;—CL 1871, 586;—How. 615;—CL 1897, 2618;—CL 1915, 2480;—CL 1929, 1392;—CL 1948, 54.96.

**Compiler's note:** This section as originally enacted was numbered section 97.

##### **54.97 County surveyor; certificates as evidence.**

Sec. 97. The certificate of the surveyor or his deputy, of any survey made by him of any lands in the county, shall be presumptive evidence of the facts therein contained, unless such surveyor or deputy shall be interested therein.

**History:** R.S. 1846, Ch. 14;—CL 1857, 445;—CL 1871, 587;—How. 616;—CL 1897, 2619;—CL 1915, 2481;—CL 1929, 1393;—CL 1948, 54.97.

**Compiler's note:** This section as originally enacted was numbered section 98.

##### **54.98 County surveyor; requested surveys.**

Sec. 98. The county surveyor, in person or by deputy, shall make and execute such surveys within his county, as may be required of him by order of any court, or by application of any person therefor.

**History:** R.S. 1846, Ch. 14;—CL 1857, 446;—CL 1871, 588;—How. 617;—CL 1897, 2620;—CL 1915, 2482;—CL 1929, 1394;—CL 1948, 54.98.

**Compiler's note:** This section as originally enacted was numbered section 99.

##### **54.99 Interest disqualification; surveys by surveyor of adjoining county.**

Sec. 99. Whenever a survey may be required of any land, in which the county surveyor or either of his deputies shall be interested, or when from any cause there shall be no surveyor or deputy surveyor of the county to be found or able to act, such survey may be made by the surveyor of an adjoining county or either of his deputies in like manner, and to the same effect as if such survey had been made by the surveyor of the county where the land is situated.

**History:** R.S. 1846, Ch. 14;—CL 1857, 447;—CL 1871, 589;—How. 618;—CL 1897, 2621;—CL 1915, 2483;—CL 1929, 1395;—CL 1948, 54.99.

**Compiler's note:** This section as originally enacted was numbered section 100.

**54.100 County surveyor; record book, contents, certification; field notes, preservation, index, certificate; deposit, fireproof vault, location; public inspection; bookkeeping requirement.**

Sec. 100. Each county surveyor shall record in a suitable book, to be provided by him at the expense of the county, all surveys for permanent purposes made by him and his deputies, also surveys for township highways and village plats. The record of each survey shall set forth the evidence by which the surveyor determined or identified the corners or other starting points of his survey, describing the points fully, and also setting forth whatever means were taken by him to perpetuate them upon the ground or to assist in determining and preserving their location. The record shall show the object of the survey and the methods pursued by the surveyor in making it, diagrams of plats being used to illustrate the same when necessary or convenient to do so. Upon the diagrams shall be shown the courses and distances of such boundary lines as may have been located by the survey, and such other facts as may have been determined by it. Such diagrams shall be considered a part of the record. When the courses of the lines are given by the magnetic needle, the record shall show the amount and direction of the allowance made by the surveyor for the difference between the magnetic meridian and the true meridian. The record shall show the date of the survey, the name of the person or persons for whom it was made, and the persons employed as chainmen on the survey. The surveyor shall certify upon the record that he has carefully compared the record with the original field notes taken by him at the time of the survey, and that it is a true statement of the facts of such survey, as shown by said original notes. Each county surveyor and his deputies shall keep the original field notes of all surveys made by them for permanent purposes, in books of convenient size and well bound in leather, to be furnished by the county surveyor, at the expense of the county. These notes shall be taken and set down in the manner in which field notes of the United States surveys are kept, and shall contain all the details of each survey, in the order in which the survey was made, including in full all calculations made by the surveyor to determine areas, or for measuring inaccessible distances, such as lake and river crossings, or for any other purpose required by the survey. Diagrams may be used for purposes of illustration, but shall not be used instead of the written notes required to be kept. Each field book shall contain an index referring to the surveys of which it contains the field notes. It shall also contain the certificate of the surveyor who made the surveys, that the field notes therein contained are the complete original field notes of the surveys within referred to and described. These original field notes shall be a part of the record required to be kept by the county surveyor, and the books containing them shall be deposited and kept with the other surveyor's records of the county. Each deputy county surveyor, whenever 1 of these books shall be filed with field notes by him, shall deposit the same in the office of the county surveyor, and whenever his own term of office expires, shall turn over to the county surveyor such books as have been partly filled by him. The county surveyor shall keep the field notes and other county surveyor's records in a fireproof vault, in an office at the county seat, to be designated by the board of supervisors as a depository for the same, excepting that this shall not apply to the field books which are required to be used in the field by the surveyor in making his surveys, during the time when such books are thus being used. The field notes and records required by this act shall be accessible to the public at any time, subject to such regulations as may be provided by the board of supervisors. The county surveyor and his deputies shall keep the records of their surveys required by this act written up in full for each month within 7 days after the close of the month.

**History:** R.S. 1846, Ch. 14;—CL 1857, 448;—Am. 1861, Act 260, Eff. June 15, 1861;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 590;—Am. 1881, Act 103, Imd. Eff. Apr. 22, 1881;—How. 619;—Am. 1889, Act 100, Eff. Oct. 2, 1889;—CL 1897, 2622;—Am. 1905, Act 79, Eff. Sept. 16, 1905;—CL 1915, 2484;—CL 1929, 1396;—CL 1948, 54.100.

**Compiler's note:** Act 79 of 1905 contained a section 2, which repealed Act 195 of 1899.

**54.101 County surveyor; delivery of records to successor, neglect, penalty.**

Sec. 101. When the term of office of any county surveyor shall expire, or he shall resign or be removed, he shall deliver over all the books and papers relating to his office, to his successor therein, and any county surveyor who, on the expiration of his term of office, or on his resignation or removal, shall neglect for the space of 1 month after his successor shall be elected or appointed and qualified, to deliver such books and papers as aforesaid, and any executor or administrator of any deceased county surveyor, who shall neglect for the space of 1 month to deliver to such successor all such books and papers which shall come to his hands, shall forfeit and pay a sum not less than 10 nor more than 50 dollars, and a similar sum for every month thereafter during which he shall so neglect to deliver the same as aforesaid.

**History:** R.S. 1846, Ch. 14;—CL 1857, 449;—CL 1871, 591;—How. 620;—CL 1897, 2623;—CL 1915, 2485;—CL 1929, 1397;—CL 1948, 54.101.

**Compiler's note:** This section as originally enacted was numbered section 102.

**Former law:** See section 1 of Act 54 of 1845.

#### **54.102 County surveyor; contract for copies of original federal surveys, payment, binding; records of former surveyors, payment; admissible as evidence.**

Sec. 102. The county surveyor shall contract with the commissioner of the state land office, or with any person having possession of the same, for certified copies of the field notes and plats of the original surveys by the United States, of the lands of his county, and if such contract be approved by the board of supervisors of his county, the county surveyor shall, upon receiving such copies, direct the county clerk to draw an order upon the treasurer of his county for the amount so agreed upon, and transmit it to the said commissioner, or other person to whom it may be due, and shall have said plats and field notes substantially bound in book form, which shall be kept open in the said county surveyor's office for the benefit of the public; and all records of surveys, field notes and calculations made by any former county surveyor since the organization of the state government, and now in the hands of such former county surveyor, or of any other person, shall, on demand of the county surveyor of the proper county, be immediately delivered to him as a part of the records and files of his office, and the boards of supervisors of the several counties shall respectively audit and allow to the persons entitled thereto, such sum as they shall deem a reasonable compensation for the expense of the books containing such records. All such records of surveys, field notes, and calculations made by any former county surveyor, which have been or shall have been on file in the office of either the county surveyor, register of deeds or county clerk for a period of 15 years or upward, even though such records or the certification thereof shall not conform to the requirements specified in section 100 of this act, shall be admissible in evidence of the facts they contain in any court of record in this state.

**History:** R.S. 1846, Ch. 14;—CL 1857, 450;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 592;—How. 621;—CL 1897, 2624;—Am. 1915, Act 196, Eff. Aug. 24, 1915;—CL 1915, 2486;—CL 1929, 1398;—CL 1948, 54.102.

**Compiler's note:** The office of commissioner of the state land office, referred to in this section, was abolished and the powers and duties thereof transferred to the public domain commission by MCL 322.221. The public domain commission was subsequently abolished and the powers and duties thereof transferred to the department of conservation by MCL 299.2. The department of conservation was subsequently transferred to the department of natural resources by MCL 16.352.

This section as originally enacted was numbered section 103.

#### **54.103 Survey principles.**

Sec. 103. All surveys made by county surveyors in this state, must be made in accordance with the following principles, when applicable:

First, All corners that can be identified by the original field notes, or other unquestionable testimony, shall be regarded as the original corners, and must not be changed while they can be thus identified;

Second, Extinct interior-section corners must be re-established, at proportional distances as recorded in the original field notes from the nearest known point in the original section line, east and west, north and south from such extinct section corner;

Third, Any extinct quarter section corner, except on fractional section lines, must be re-established equidistant and in a right line between the section corners; in all other cases, at proportional distances between the nearest known points in the original line;

Fourth, Central quarter corners of whole sections, and of fractional sections adjoining the north and west boundary of townships, must be established at the intersection of 2 right lines connecting their opposite quarter section corners respectively. It shall be the duty of county surveyors to perpetuate the original corners they may work from, by noting new bearing trees where timber is near. They shall also perpetuate the principal corners made by themselves in the same manner.

**History:** R.S. 1846, Ch. 14;—CL 1857, 451;—Am. 1865, Act 223, Eff. June 22, 1865;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 593;—Am. 1881, Act 103, Imd. Eff. Apr. 22, 1881;—How. 622;—CL 1897, 2625;—CL 1915, 2487;—CL 1929, 1399;—CL 1948, 54.103.

**Compiler's note:** This section as originally enacted was numbered section 104.

#### **54.105 Residents' corners and lines; re-location, perpetuation, survey; expenses, allocation; refusal to pay, lien.**

Sec. 105. Whenever the majority of the resident owners of any section or part or parts of any section of land in this state, after having given at least 10 days' notice to all other persons or their agents owning land in the same section, or part or parts of the section, as the case may be, who reside in the township, shall desire to have their corners and lines, or any of them established, re-located or perpetuated, such surveyor shall proceed to make the required surveys and the expense thereof shall be borne by all the persons benefited in proportion to the amount of work done for each, to be determined by the surveyor, and if any person thus benefited, whether a non-resident or otherwise, shall refuse or neglect to pay his share of such expense, such surveyor

shall certify the same and to whom due, to the supervisor of the proper township, who shall assess it upon the land of such person to be collected and paid to the county treasurer in the same manner as state and county taxes; and paid by the said county treasurer on the order of the county surveyor.

**History:** R.S. 1846, Ch. 14;—CL 1857, 453;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 595;—How. 624;—Am. 1895, Act 240, Eff. Aug. 30, 1895;—CL 1897, 2627;—CL 1915, 2488;—CL 1929, 1400;—CL 1948, 54.105.

#### **54.105a Residents' corners and lines; re-location, perpetuation, survey requested; refusal to pay surveyor's charges, assessment.**

Sec. 105a. If any person, after having requested the county surveyor to establish, relocate or perpetuate the corners and lines of land owned by such person, shall refuse or neglect to pay for such services after due performance thereof, such surveyor shall certify the lawful charges for the same and to whom due to the supervisor of the proper township, who shall assess it upon the land so surveyed, to be collected and paid to the county treasurer in the same manner as state and county taxes, and paid by the said county treasurer on the order of the county surveyor.

**History:** Add. 1899, Act 248, Eff. Sept. 23, 1899;—CL 1915, 2489;—CL 1929, 1401;—CL 1948, 54.105a.

#### **54.106 County surveyor and deputy; compensation; determination; expenses and fees; liability for trespass.**

Sec. 106. (1) Each county surveyor and each deputy of the county surveyor shall be entitled to receive for his or her services, a compensation of not more than \$8.00 per day, or the salary as the county board of commissioners fixes, including the time of traveling to and from the place of making the survey, together with all necessary expenses incurred in the discharge of official duties, and 50 cents for recording each description, and 50 cents for each certificate or copy of a certificate, to be paid by the person for whom the services are rendered. The county surveyor or a deputy shall not be liable to prosecution in an action of trespass for entering upon land in the discharge of an official duty.

(2) Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of the county surveyor of that county shall be determined by that commission.

**History:** R.S. 1846, Ch. 14;—CL 1857, 454;—Am. 1861, Act 260, Eff. June 15, 1861;—Am. 1867, Act 108, Imd. Eff. Mar. 26, 1867;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 596;—How. 625;—CL 1897, 2628;—Am. 1915, Act 229, Eff. Aug. 24, 1915;—CL 1915, 2490;—CL 1929, 1402;—Am. 1939, Act 119, Eff. Sept. 29, 1939;—CL 1948, 54.106;—Am. 1978, Act 489, Imd. Eff. Dec. 1, 1978.