Duties and Obligations of Elected Surveyors

L. E. Roberts
Miami County Surveyor

The office of county surveyor is provided for in Article 6, Section 2, of the Constitution of the State of Indiana, which designates the county officers and the length of terms of each office and reads as follows:

There shall be elected in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor. The Clerk, Auditor, and Recorder shall continue in office four years, and no person shall be eligible to the office of Clerk, Recorder, or Auditor, more than eight years in any period of twelve years. The Sheriff, Coroner and Surveyor shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

Section 5 of the same Article provides that all county, township, and town officers shall reside within their respective counties, townships, and towns and keep their respective offices at such places therein and perform such duties as may be directed by law.

In the Revised Statutes of 1852, Chapter 103, page 469, it was provided that there shall be elected at the general election in each county, by the qualified voters thereof, a County Surveyor, who shall give bond in the sum of $1,000.00. This was changed by the 1913 Acts of the General Assembly, Chapter 40, page 69, which reads as follows:

The County Surveyor in each County in the State of Indiana shall give bond in a sum fixed by the board of county commissioners in the county, provided that no such bond shall be for a sum less than $5,000.00, payable to the State of Indiana and that such bond shall be conditioned for the faithful discharge of all duties required of such surveyor, and also all duties required of him as civil engineer in the work of the county, including the preparation of plans and specifications for, and general supervision of, all bridges, turnpikes, roads, ditches, drains, levees, and all other civil engineering work which may be done by order of the board of commissioners of such county, or by order of the circuit or superior court of such county. And such bond shall be liable for any failure or default on the part of any such County Surveyor in the discharge of any such duties required of him. Such bond shall be approved by the Board of Commissioners and paid for by the County.
Deputies

Each surveyor may appoint a deputy or deputies, as the work of the office requires. The deputy shall be a competent civil engineer and perform all duties required of the surveyor, the same as if done by him, provided that the work is approved and signed by the surveyor.

The surveyor or his deputy shall have power to administer all oaths required in the discharge of his duties, for which he may receive the usual fees.

Whenever directed to do so by the board, the county surveyor shall procure a copy of the original field notes of the townships of his county, have them recorded, and hand them, as well as all other papers, maps, books, and charts belonging to his office over to his successor. Under the direction of the board of commissioners, he shall have charge of all surveying and civil engineering work of his county, including the preparation of plans and specifications for, and general supervision of, the construction of all bridges, turnpikes, or other roads, ditches, drains, or levees, and all other surveying and civil engineering work within the county. If, however, the county surveyor is not a competent civil engineer, then the board of commissioners, whenever any such improvement is petitioned for or ordered, shall appoint some competent civil engineer, other than the county surveyor. The surveyor shall have the right of a hearing as to his competency before the judge of the circuit or superior court of the county, when any such board refuses to appoint a surveyor as herein required, and the order of the judge shall be final and conclusive.

Qualifications

Under Chapter 148, Section 1, of the 1935 Acts of the General Assembly of the State of Indiana, it is provided that, for the purpose of safeguarding life, health, and property, no person shall practice engineering or land surveying in this state unless he submits evidence that he is qualified and is registered as provided in the act. It is unlawful for any person to do so or to convey the impression that he is a professional engineer or land surveyor, unless he is duly registered or is exempted under provisions of this act. Under Section 20, a duly elected and qualified county surveyor of any county in Indiana is exempt from the registration requirement, but has no authority to do any engineering work.

Upon the expiration of his term of office, all engineering and survey work upon which the surveyor may be engaged shall be turned over to his successor in office and all his duties, including those as county en-
Locating and Perpetuating Corners

Another duty of the county surveyor is to establish, relocate, and perpetuate corners. Whenever the owner of any land within this state, after giving ten days' notice to the owners of adjoining lands (if they reside in the county, and, if not, by publication for three successive weeks in the newspaper nearest to such land), desires to establish, re­locate, or perpetuate, any corner thereof, or in the same section or line thereof, the county surveyor shall make the required surveys and location. If a corner is to be perpetuated, he shall deposit in the proper place a stone or other durable material, with the letters and figures answering to such corner, and shall also enter in his field notes one or more bearing trees, if such there be, the species and size, course and distance thereof. If there are no trees, he shall deposit one or more stones as witnesses to such corner. All these proceedings shall be entered by him in a book to be kept for that purpose. The expense of such publication and survey shall be borne equally by all persons interested. Whenever all the interested owners are present and consent, or shall consent in writing, such 10-day notice shall not be necessary.

County surveyors in all counties having a population of 150,000 or more according to the last preceding United States census, in addition to those now prescribed by law, shall perform the following duties: Under the direction of the county commissioners, they shall have charge of all surveying and civil engineering work of the county, including the preparation of plans and specifications for, and general supervision of the construction of all bridges, turnpikes or other roads, ditches, drains, or levees, and all other surveying and civil engineering work within and for the county. The county surveyor in counties of 150,000 or more shall have general supervision of all the highway bridge repairs ordered by the county commissioners. When such repairs are let by contract, he shall prepare plans and specifications, and submit them to the county commissioners for the guidance of bidders on such work. He shall keep a record of all such plans and specifications so prepared, and of all other county work transacted through his office, including a brief description of it, the date on which it was ordered, the time of completion, and the cost. He shall also keep on file in his office a copy of the plans and specifications for all structures or improvements constructed under his supervision.
The county commissioners shall furnish the county surveyor with an easily accessible office and all necessary furnishings. They shall furnish him with all ordinary office supplies, and with surveying stakes and other material required in the execution of his work. Supplies shall be furnished on requisition as provided by law, provided that all supplies so furnished shall remain the property of the county.

**Establishment of Meridian Line**

Upon the application in writing of the county surveyor to the board of commissioners of the county, setting forth the reasons and necessity therefor, the board shall make an order and have it recorded in the proper book. It shall provide for the location and establishment of a true and permanent meridian line at or near the county seat of the county and upon the public grounds belonging to the county. Upon completion and location of such established meridian line, the county surveyor shall deliver to the recorder of the county a full and correct description of the meridian line. This description shall then be entered by the recorder in the miscellaneous records of his office. After the meridian has been established and recorded, it shall be the duty of the county surveyor before running any line or establishing any corner on lands within his county, and not less than once a year thereafter, to correct his compass by turning off the variation to agree with the established meridian, and to test and correct his chain as often as necessary to maintain uniformity in its length.

**Attendance at Road School**

The county surveyor or the county engineer shall be required to attend all sessions of the annual Road School during his incumbency. Said term at the annual Road School shall be for not less than one week; and expenses, including the actual expenses of transportation to and from the school and the expense of lodging and tuition, if any, shall be paid from the general fund of the county.

**Other Duties**

It is also the duty of the county surveyor to keep his office open during regular office hours, with a deputy or clerk in charge who can help the public with any surveying or drainage matters in which they may be interested. It is assumed that the county surveyor cannot be in his office all the time to take care of all calls and still do all the work all over the county himself; so he must have enough efficient help to carry on the work.
Another duty of the county surveyor, although not specifically set out in the law, is that of keeping the records and maps in the surveyor's office indexed and filed so that any subject can be found within a few minutes' time.

The county surveyor should be neatly dressed and have a business-like and pleasing disposition. He should not let anybody leave his office without securing the information sought, if such information is available. He must remember that the people who come into the surveyor's office for information may never have been there before and may not call again for a long time. The impression they receive of the surveyor and the treatment accorded them most surely will be taken into consideration when next the surveyor comes up for re-election.