

CHAPTER 389**COUNTY SURVEYOR****389.01 ELECTION; TERM; BOND.**

The bond of the county surveyor cannot be waived during the time he is in military service. OAG May 5, 1944 (123-A).

The county surveyor may accept employment under the state department of highways except when the character and relation of the work creates an incompatibility. OAG Nov. 13, 1946 (358-G).

A county surveyor may accept appointment as an instrument man for the state highway department. The offices are not incompatible. OAG Nov. 26, 1946 (358-B).

389.02 DEPUTIES; SURVEYS, RECORDS.

During the time a county surveyor is in military service he may appoint a deputy to perform the duties of his office. OAG Feb. 11, 1943 (121-A-1).

A deputy county surveyor has the same qualifications as the surveyor, and he must be a resident of the county in order to qualify. OAG July 30, 1945 (123).

389.03 COMPENSATION.

The compensation of county surveyor may not exceed \$15 per day, but he may receive additional actual expense money including travel, meals, and lodging. OAG May 17, 1944 (123-F).

389.06 LOST POSTS.

See annotations under section 389.04 in Volume 2 of Annotations to Minnesota Statutes, 1945.

A survey made for the purpose of establishing lost corners on a standard parallel or correction line may be rejected in part because made under a mistake of fact as to the existence and location of a certain corner section and yet be adopted by the court insofar as it was not controlled by such mistake. The actual location of a lost closing corner between two sections lying south of the standard parallel is to be determined by measuring east or west, as the case may be, from the nearest standard corner the distance shown by the government field notes. The government field notes and the original plats control in such cases. *Ferch v Konne*, 78 M 515, 81 NW 524.