

# Historical Missouri Statutes Pertaining to Land Surveying

## Preface / General Information:

Following are the collection of Historical Missouri Statutes (in some cases the “Cumulative Supplement” which only lists updates to the existing laws) which range from prior to statehood through 1999. While most professions are only concerned with current statutory law, land surveying is unique in that the previous laws that an earlier surveyor was practicing under will occasionally enter into the decision making process of today. Despite the changes to Missouri Statutes that have occurred concerning land surveying principles and procedures, Missouri Common and Statutory Law agree that a survey which was *legally* performed, or a corner which was *legally* established [*in accordance with the law*] prior to these changes shall be honored. For this reason a Professional Land Surveyor performing retracement work needs to be aware of the requirements in historical Missouri Law that his predecessors were directed to follow.

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Robert Ross, PLS  
Cadastral Section Chief  
State Land Surveyor’s Office

# LAWS

OF

A PUBLIC AND GENERAL NATURE,

OF THE

6 1824

DISTRICT OF LOUISIANA,

OF THE

TERRITORY OF LOUISIANA,

OF THE

TERRITORY OF MISSOURI,

AND OF THE

STATE OF MISSOURI,

UP TO THE YEAR

1824.

Property  
OF  
LEGISLATIVE LIBRARY  
STATE OF  
MISSOURI

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Published under the authority of the State of Missouri, by virtue of an act entitled "An act to provide for the publication of certain Laws;" Approved February 13, 1820.

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IN TWO VOLUMES.

VOL. I.

JEFFERSON CITY.

PRINTED BY W. LUSK & SON.

1842.

## CHAPTER 103.

## SURVEYOR.

## CHAP. 339.

*AN ACT creating the office of County Surveyor, and defining the duties thereof.\**

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| <p>1 Court to appoint surveyor—governor to commission—oath and bond.</p> <p>2 To survey lands sold for taxes.</p> <p>3 And execute orders of court.</p> <p>4 What surveys legal evidence—county survey-</p> | <p>or interested, court to appoint another.</p> <p>5 Surveyor to keep record and give copies.</p> <p>6 Fees of surveyors.</p> <p>7 Chainmen and markers—oath, and fees.</p> <p>8 Oath of deputies.</p> |
|---|--|

*Be it enacted by the General Assembly of the Territory of Missouri, [as follows:]*

1. It shall be the duty of the court of common pleas in each and every county in this territory at their first session after this act takes effect, or so soon thereafter as may be, to appoint some person in their county who is well qualified to act as county surveyor; and it shall be the duty of said court to examine, or cause to be examined, the persons applying for said appointment, and thereupon to appoint the person or candidate applying for the office who shall be best qualified to perform the several duties herein after directed; and shall forthwith certify such appointment, under the seal of the court, to the Governor, who shall thereupon grant a commission for the person so appointed—and the surveyor, after having received such commission, shall, before he enters upon the duties of his office, take an oath of office according to law, and shall give bond with one or more sufficient securities, to be approved of by the court of common pleas, in the penal sum of two thousand dollars, payable to the governor and his successors in office, for the use of every person concerned, or to whom any damage may accrue through the neglect or misconduct of such surveyor, conditioned for the true and faithful performance of the several duties of his office or appointment of county surveyor agreeably to law.

2. It shall be the duty of the county surveyor to survey all lands which may be sold for taxes in his county, on the application of any person producing to him a certificate from the proper officer agreeably to law.

3. It shall be the duty of the said county surveyor to execute and perform all orders to him directed by any court of record, for surveying or re-surveying any tract of land the title of which is in dispute or litigation before such court, and also all orders of survey for the partition of real estates.

4. No survey or re-survey hereafter made, by any person except the county surveyor, or his deputy, shall be considered as legal evidence in any court of law or equity within this territory—except such surveys as are made by authority of the United States or by mutual consent of parties; *provided, always,* that where it shall appear that the county surveyor is interested in the making of any survey of a tract of land the title of which is in dispute before the court, the said court shall

\* Repealed R. L. 1825, chap. 500, sec. 13.

direct the survey or re-survey to be made by some capable person who is in nowise interested, who shall be authorised to administer oaths in the same manner as the county surveyor is directed by the provisions of this act, and shall return said survey or re-survey, on oath or affirmation and shall receive for his services the same fees that the county surveyor would do for similar services.

5. The surveyor of each county shall keep a correct and fair record of all surveys made by himself and deputies, in a book or books, to be by him procured for that purpose. He shall number his surveys progressively, and shall also file and preserve a copy of the calculation of each survey, endorsing thereon its respective number. A copy of any survey shall be furnished by the surveyor to any person requiring the same, on payment of the fees herein after directed.

6. The several county surveyors may demand and receive for their services the following fees, to wit: for each survey not exceeding fifty acres or arpens the sum of two dollars, and for every additional acre, or arpen, one half cent, when the tract does not exceed six hundred and forty acres, or arpens, and one-fourth of a cent for every acre or arpen over that quantity—a copy of such survey, the sum of twenty-five cents, where the survey does not exceed fifty acres, and above that quantity, twelve and a half cents for every hundred acres in addition to the first charge—recording each survey, fifty cents, and for every mile he shall travel in going to and returning from the land ordered for survey, by the customary route, five cents.

7. Each chainman, or marker, employed by the county surveyor or his deputies, shall, before he commences the duties assigned him, take an oath or affirmation faithfully and impartially to execute the duty of chainman, or marker, (as the case may be) which oath or affirmation the county surveyor or his deputies are hereby authorised and required to administer. The expense of chain carriers and markers shall be paid by the party at whose request the survey is made; *provided, however,* that the chain carriers and markers may be provided by the party requesting such survey, if approved of by the surveyor—and each chainman or marker shall be allowed seventy-five cents for each and every day he is actually employed.

8. The deputies appointed by any surveyor, before they proceed to discharge their duties, shall take an oath, well, truly, and faithfully, to discharge the duties of deputy surveyor.

This act shall take effect and be in force from and after the first day of March next.

January 10, 1814.

of securities to ten, be and the same is hereby repealed; *provided nevertheless*, that in no case there shall be less than ten.

This act to be in force from and after the passage thereof.

*Approved, December 5, 1821.*

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CHAPTER 339.

SURVEYOR.

CHAP. 103.

*AN ACT supplementary to the law prescribing the duties of county surveyor.\**

1 Lands split by county lines:—how and by whom | surveyed.

*Be it enacted by the General Assembly of the State of Missouri, [as follows:]*

1. Any person owning or claiming any lands in this state, and the same be divided or split by any county line or lines, and the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the county surveyor in which such person resides, and if there be no surveyor in such county, he may apply to any surveyor in an adjoining county, who is legally appointed as such, and on such application being made, the surveyor is authorised and required to make such survey, and shall be as valid as though such lands were situated entirely in one county, or such county lines had not divided the same, any thing in any law to the contrary notwithstanding.

This act shall take effect and be in force from and after the passage thereof.

*Approved, December 5, 1821.*

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CHAPTER 340.

COUNTIES.

CHAP. 95, 120, 128, 162, 220, 225, 226, 228, 229, 230, 231, 232*a*, 233, 263, 265, 267, 268, 269  
274, 275, 276, 303, 305, 345, 347, 352, 355, 390, 419.

*AN ACT amendatory to the several acts forming new counties in this state.†*

1 Credit on sale of lots not to exceed two years.

*Be it enacted by the General Assembly of the State of Missouri, [as follows:]*

1. The commissioners appointed to locate the seats of justice in the several new counties of this state, are hereby authorised and required to sell the lots in the re-

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\*Repealed R. L. 1825, p. 500, sec. 13.

† Repealed, R. L. 1825, p. 500, sec. 13.

# LAWS

OF THE

## State of Missouri;

REVISED AND DIGESTED

BY AUTHORITY

OF THE

**GENERAL ASSEMBLY.**

*IN TWO VOLUMES.*

WITH AN APPENDIX.

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VOL. II.

.....

Published according to an act of the General Assembly, passed  
11th February, 1825.

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ST. LOUIS:

Printed by E. Charles, for the State.

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1825.

moving  
stray.

the right of property agreeably to this act, for any purpose whatsoever, he, she or they so offending, shall forfeit and pay the value thereof, to be recovered by any person or persons suing for the same, in any court having cognizance thereof, by action of debt, to the use of the county.

Penalty on  
persons tak-  
ing up stray  
at any place  
other than  
his planta-  
tion, or fail-  
ing to com-  
ply with this  
act.

SEC. 8. *Be it further enacted,* That if any person shall take up any stray beast at any other place than at his plantation or place of residence, or having taken up any stray, shall fail to comply with the requisitions of this act, or shall use or work any stray beast, contrary to the true intent and meaning of this act, or if such person shall use, or suffer the same to be used, before he shall have given notice to the justice of the peace, except in taking the same to the justice of the peace to be appraised, according to the provisions of the first section of this act, every such person, so offending, shall forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace, by an action of debt founded on this statute, in the name and to the use of the county: *Provided, always,* That nothing herein contained shall prevent the owner from having and maintaining his action against such person, for the recovery of damages he may sustain, in consequence of said beast being used or worked as aforesaid.

Or using  
stray.

SEC. 7. *Be it further enacted,* That all acts and parts of acts contrary to, and repugnant to this act, be and the same are hereby repealed.

This act to take effect and be in force from and after the fourth day of July next.

[*Approved, February 19, 1825.*]

## SURVEYORS.

18 Dec. 1824. AN ACT creating the office of County Surveyor, and defining the duties thereof.

How ap-  
pointed and  
commission-  
ed.

*Be it enacted by the General Assembly of the state of Missouri,* That it shall be the duty of the tribunal for the transaction of county business, in each county, to appoint some person in their county who is well qualified, to act as a county surveyor, and shall forthwith certify such appointment, under the seal of the tribunal, to the governor, who shall thereupon grant a commission for the person so appointed; and the surveyor, after having received such commission shall, before he enters upon the duties of his office, take an oath of office, according to law, and shall give bond, with one or more sufficient securities, to be approved of by the said tribunal, in the penal sum of two thousand dollars, payable to the state of Missouri, for the

To take oath  
and give  
bond.

use of every person concerned, or to whom any damage may accrue, through the neglect or misconduct of such surveyor, conditioned for the true and faithful performance of the several duties of his office or appointment of county surveyor agreeable to law.

SEC. 2. *And be it further enacted,* That it shall be the duty of the county surveyor, to survey all lands which may be sold for taxes in his county, on the application of any person producing to him a certificate from the proper officer, agreeably to law.

To survey lands sold for taxes.

SEC. 3. *And be it further enacted,* That it shall be the duty of the said county surveyor to execute and perform all orders to him directed, by any court of record, for surveying or re-surveying any tract of land, the title of which is in dispute or litigation before such court, and, also, all orders of survey for the partition of real estates.

To execute orders of court.

SEC. 4. *And be it further enacted,* That no survey or re-survey hereafter made, by any person except the county surveyor or his deputy, shall be considered as legal evidence in any court of law or equity within this state, except such surveys as are made by authority of the United States, or by mutual consent of parties: *Provided, always,* That where it shall appear that the county surveyor is interested in the making of any survey of a tract of land, the title of which is in dispute before the court, the said court shall direct the survey or re-survey to be made by some capable person, who is in no wise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed by the provisions of this act, and shall return said survey or re-survey, on oath or affirmation, and shall receive, for such services, the same fees that the county surveyor would do for similar services.

What surveys only shall be evidence.

Surveyor interested, court may direct some other person to make survey.

SEC. 5. *And be it further enacted,* That the surveyor of each county shall keep a correct and fair record of all surveys made by himself and deputies, in a book or books to be by him procured for that purpose; he shall number his surveys progressively, and shall also file and preserve a copy of the calculation of each survey, endorsing thereon its respective number; a copy of any survey shall be furnished by the surveyor, to any person requiring the same, on payment of the fees allowed by law.

Surveyor to keep record of surveys, and furnish copies.

SEC. 6. *Be it further enacted,* That any person owning or claiming any lands in this state, and the same be divided or split by any county line or lines, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the county surveyor of the county in which such person resides, and if there be no surveyor in such county, he may apply to any surveyor in an adjoin-

Lands divided by county line, how surveyed.

ing county, who is legally appointed as such, and on such application being made, the surveyor is authorized and required to make such survey, and shall be as valid as though such lands were situated entirely in one county, or such county lines had not divided the same, any thing in any law to the contrary notwithstanding.

Chainmen & markers to be sworn.

SEC. 7. *And be it further enacted*, That each chain-man or marker, employed by the county surveyor, or his deputies, shall, before he commences the duties assigned him, take an oath or affirmation faithfully and impartially to execute the duty of chain-man or marker (as the case may be,) which oath or affirmation the county surveyor, or his deputies, are hereby authorized and required to administer. The expense of chain carriers and markers shall be paid by the party at whose request the survey is made: *Provided, however*, That the chain carriers and markers may be provided by the party requesting such survey, if approved of by the surveyor; and each chain-man or marker shall be allowed seventy-five cents for each and every day he is actually employed.

Proviso.

Deputies may be appointed.

SEC. 8. *And be it further enacted*, That deputies may be appointed by any surveyor; who, before they proceed to discharge their duties, shall take an oath well, truly and faithfully to discharge the duties of deputy surveyor. This act shall take effect and be in force from and after the passage thereof. [Approved, December 13, 1824.]

## TAVERNS.

### AN ACT to license and regulate Taverns.

9 July, 1806.

*Be it enacted by the Legislature of the territory of Louisiana,*

No person to keep a tavern without license.

That, for the prevention of disorders and mischiefs which may happen by a multiplicity of public houses of entertainment, no person or persons shall, after the first day of November next, have or keep any public inn, tavern, dram-shop, or public house of entertainment, in any town, place or district within this territory [state,] unless such person or persons shall first be licensed therefor by the court of quarter sessions [county court,] under the penalty of paying ten dollars for every day such person or persons shall keep such public inn, tavern, dram-shop or public house of entertainment, to be recovered, with costs, before any two justices of the peace of the district [county] in which the offence shall have been committed, one third of which shall be for the use of the person prosecuting the same, and the other two thirds to the treasury of the district [county.]

Penalty.

How recovered,

And appropriated.



THE  
REVISED STATUTES

OF THE  
STATE OF MISSOURI,

REVISED AND DIGESTED BY THE EIGHTH GENERAL ASSEMBLY DURING THE YEARS  
ONE THOUSAND EIGHT HUNDRED AND THIRTY-FOUR, AND ONE  
THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

TOGETHER WITH  
THE CONSTITUTIONS OF MISSOURI AND OF THE UNITED STATES.

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PRINTED AND PUBLISHED UNDER THE DIRECTION OF THE SUPERINTENDENT  
APPOINTED BY THE GENERAL ASSEMBLY FOR THAT PURPOSE.

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ST. LOUIS

PRINTED AT THE ARGUS OFFICE.

1835.

not be required to publish the same in a newspaper; but shall advertise the same, in three of the most public places in the township in which strays are taken up, and on failure of the claimant appearing in one year, and satisfying the costs of posting, and fees allowed for taking up, with a reasonable compensation for keeping such strays, to be ascertained by two disinterested householders, the taker-up shall have a complete title to such property.

§ 2. If the owner does not appear and prove said stray in fifteen days after it is posted, it shall be the duty of the taker up to have the same recorded in the clerk's office of the county.

§ 3. The clerk shall receive the following fees for his services in relation to strays: for recording each certificate of an estray, twenty-five cents, for recording each certificate of appraisement, twenty-five cents, whether such certificate contain a greater or less number of animals.

§ 4. The justice of the peace, shall receive the sum of twenty-five cents, for each certificate of strays taken up or appraised before him, and shall put in one certificate all the animals taken up by any one person.

*Approved, March 21st, 1835.*

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## SURVEYORS.

*An act concerning the office of county surveyors and defining the duties thereof,*

- Sec. 1.** Surveyor to be elected, tenure of his office, how commissioned, vacancies, how filled.
- 2.** To execute orders of court.
- 3.** What surveys only shall be evidence.
- 4.** Surveyor interested, court may direct some other person to make survey.
- 5.** Surveyor to keep record of surveys, and furnish copies.
- 6.** Lands divided by county lines, how surveyed.
- 7.** Chainmen and markers to be sworn; their expenses how paid.
- 8.** Compensation to chainmen and markers.
- 9.** Deputies may be appointed.

*Be it enacted by the general assembly of the state of Missouri, as follows:*

§ 1. That at the August election in eighteen hundred and thirty-five, and every fourth year thereafter, the qualified voters of each county shall elect some suitable person as county surveyor, who shall hold his office for four years, and until his successor is elected and commissioned and qualified, and the clerk shall certify the election of county surveyor, in the same manner as other elections, and shall be commissioned by the governor as other officers, and in case of death, resignation or otherwise, the vacancy shall be filled as in case of a sheriff.

§ 2. It shall be the duty of the said county surveyor, to execute all orders to him directed by any court of record, for surveying or re-surveying any tract of land, the title of which is in dispute, or litigation before such court, and also all orders of survey for the partition of real estate.

§ 3. No survey or re-survey hereafter made, by any person except the county surveyor or his deputy, shall be considered as legal evidence, in any court of law

or equity within this state, except such surveys are made by authority of the United States, or by mutual consent of parties.

§ 4. Where it shall appear that the county surveyor is interested in making any survey of a tract of land, the title of which is in dispute before the court, the said court shall direct the survey or re-survey to be made by some capable person, who is in no wise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return said survey or resurvey on oath or affirmation, and shall receive for his services, the same fees that the county surveyor would do for similar services.

§ 5. The surveyor of each county shall keep a correct and fair record of all surveys made by himself and deputies, in a book or books to be by him procured for that purpose; he shall number his surveys progressively, and shall also file and preserve a copy of the calculation of each survey, endorsing thereon its respective number; a copy of any survey shall be furnished by the surveyor to any person requiring the same, on payment of the fees allowed by law.

§ 6. Any person owning or claiming any lands in this state, where the same are divided or split by any county line or lines, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the county surveyor of the county in which such person resides, and if there be no surveyor in such county, he may apply to any surveyor in an adjoining county, who is legally appointed as such, and on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situated entirely in one county.

§ 7. Each chainman or marker, employed by the county surveyor, or his deputies, shall, before he commences the duties assigned him, take an oath or affirmation, faithfully and impartially to execute the duty of chainman, or marker, (as the case may be,) which oath or affirmation the county surveyor, or his deputies, are hereby authorized and required to administer. The expense of chain carriers and marker shall be paid by the party at whose request the survey is made.

§ 8. The chain carriers and markers may be provided by the party requesting such survey, if approved of by the surveyor; and each chainman, or marker shall be allowed seventy-five cents for each and every day he is actually employed.

§ 9. Deputies may be appointed by any surveyor, who, before they proceed to discharge their duties, shall take an oath, well, truly and faithfully to discharge the duties of deputy surveyor.

*Approved, February 20th, 1835.*

**L A W S**

OF THE

**S T A T E   O F   M I S S O U R I ,**

P A S S E D   A T

**T H E   F I R S T   S E S S I O N   O F   T H E   T E N T H   G E N E R A L   A S S E M B L Y ,**

**B E G U N   A N D   H E L D   A T   T H E   C I T Y   O F   J E F F E R S O N ,**

**O N   M O N D A Y ,   T H E   N I N E T E E N T H   D A Y   O F   N O V E M B E R ,   I N   T H E   Y E A R   O F   O U R   L O R D ,   O N E   T H O U S A N D  
E I G H T   H U N D R E D   A N D   T H I R T Y - E I G H T .**



**C I T Y   O F   J E F F E R S O N .**

**P R I N T E D   B Y   C A L V I N   G U N N — J E F F E R S O N I A N   O F F I C E .**

.....

**1838.**

## SURVEYORS.

*AN ACT supplemental to an act concerning the office of county Surveyors, and defining the duties thereof, approved 20th February, 1835.*

- SEC. 1. County surveyor to give bond in a certain time, condition thereof; and how approved.
2. Shall take oath of office.
  3. On failure to perform the above requirements, his office shall be vacated.
  4. Bond how taken.
  5. Effect thereof, and shall be recorded at expense of surveyor.
  6. All surveys done by said surveyors declared official.
  7. In case of resignation, removal &c., papers &c., to be delivered to the clerk of the county court.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

§ 1. Within sixty days after the taking effect of this act, it shall be the duty of each county surveyor in this State to give bond with one or more responsible securities, to be approved by the tribunal transacting county business, in the penal sum of not less than one thousand, nor more than five thousand dollars, to be determined by the county court of the proper county, payable to the State of Missouri, for the use of every person concerned, or to whom any damage may accrue through the neglect or misconduct of such surveyor, conditional for the true and faithful performance of the several duties of his office of county surveyor agreeably to law.

§ 2. Each county surveyor hereafter appointed or elected, shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath of office, and also enter into bond, as is provided in the first section of this act.

§ 3. If any county surveyor fail to give such bond within the time prescribed, the office shall be considered vacant.

§ 4. Such bond may be taken by the clerk of the county court, in vacation, and if so taken, shall be approved or disapproved by said court, at the next term.

§ 5. Such bond shall be valid until disapproved, nor shall its obligations be impaired by the disapprobation thereof; when approved, such bond with the approval thereon shall be recorded at the expense of the county surveyor in the office of the recorder of the county.

§ 6. All surveys made by any county surveyor or his deputy within his county, whether made by order of court or at the request of a private individual, shall be considered as being done by such surveyor in his official capacity, and shall be made subject to the provisions of this act, and the act to which this is supplementary.

§ 7. Whenever a county surveyor shall resign, move out of the county, or his term of service expire, he shall immediately deliver to the clerk of the county court all records, books and documents appertaining to his office.

This act to take effect and be in force from and after the first day of April next.

APPROVED, Jan. 25, 1839.

## ST. LOUIS.

*AN ACT to incorporate the City of St. Louis.*

- ART. 1. Of boundaries and general powers.  
 " II. Of the City Council.

R  
KFM  
7830  
A2  
1840  
C. 2

# L A W S

OF THE

## STATE OF MISSOURI,

*Wm. L. Cooper*

PASSED AT THE FIRST SESSION OF

### THE ELEVENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON

ON MONDAY, THE SIXTEENTH DAY OF NOVEMBER, IN THE YEAR OF OUR LORD, ONE  
THOUSAND EIGHT HUNDRED AND FORTY.



CITY OF JEFFERSON.

PRINTED BY CALVIN GUNN—JEFFERSONIAN OFFICE.

titled "An act to provide for the collection of demands against boats and vessels," be liable, also, for the forfeiture given by the preceding section of this act, and the damages, that (may) be recovered in an action at common law by the owner of any servant or slave who shall be transported or carried from one place to another in this State, in violation of this act, by the master, commander or owner of any such vessel or boat, and the liabilities, hereby created, may be enforced, at the option of such owner, in the same manner as the liabilities created by the first section of the act, entitled "An act to provide for the collection of demands against boats and vessels," herein before referred to, approved March 19th, 1835.

This act to take effect from the first day of April, 1841.

APPROVED Feb. 13, 1841.

SLAVES.

AN ACT amendatory of an act, entitled "An act concerning Slaves," approved 19th March, 1835.

SECTION	SECTION
Masters of slaves, hired to other slaves, or hiring their own time, liable to a fine of not less than twenty nor more than one hundred dollars. . . . . 1	Mode of collecting said fine prescribed. . . . . 1

Be it enacted by the General Assembly of the State of Missouri:

§ 1. That every master or owner of a slave, found hired to another slave, or going at large upon hiring of his own time, or acting or dealing as a free person, or hiring himself within this State, though without the consent of such master or owner, shall incur the penalty prescribed in the seventh section of the first article of the act, entitled "An act concerning Slaves," approved 19th March, 1835, for the offences therein mentioned; and the same proceedings and remedy shall be had in cases arising under this law, as are provided for cases arising under said seventh section.

This act to take effect from and after its passage.

APPROVED, Feb. 15, 1841.

SURVEYS.

AN ACT concerning field notes of public surveys.

SECTION	SECTION
The county courts authorised to obtain from the surveyor general's office copies of public surveys of lands in their county. . . . . 1	No additional charge made for surveying, on account of said copies. . . . . 2
County surveyors to be allowed a reasonable compensation, when they have furnished themselves with said copies. . . . . 2	Copies of such survey, certified by the county surveyor, declared evidence. . . . . 3

Be it enacted by the General Assembly of the State of Missouri:

§ 1. The several county courts in this State are hereby authorised, in all

## TREASURY DEPARTMENT.

cases wherein they shall consider it to be the interest of their counties, to obtain from the surveyor general of the United States, at St. Louis, a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relate to the description of the township, section, fractional section, quarter section and legal sub-divisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines, also the fallings of all east and west township and sectional lines; the same to be filed in the office of county surveyor of their counties, respectively.

§ 2. In all cases where the county surveyor shall have, at his own expense obtained a certified copy, as provided for in the preceding section, the county court may make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed, as provided in the first section of this act: *Provided*, however, that no county surveyor, thus furnished with the field notes, shall, when called upon to execute any survey make any additional charge therefor.

§ 3. In all cases where such copies are filed, a copy of such copies, certified by the county surveyor, shall be evidence in all cases where the same is drawn in question in any judicial proceeding.

This act to take effect from and after its passage.

APPROVED Feb. 15, 1841.

## TREASURY DEPARTMENT.

*AN ACT supplementary to an act, entitled "An act to regulate the Treasury Department," approved 9th March, 1835.*

The Auditor shall publish a list of defaulters to the State, and the amount due from each.

*Be it enacted by the General Assembly of the State of Missouri:*

§ 1. That hereafter, when any collector of the revenue, or others bound, by law, to pay money directly into the treasury, shall fail to pay the amount due from him into the treasury, within the time prescribed by law, the Auditor shall, within one month after such default, publish in four newspapers published at the four most public places in this State, for the space of one week, a list of all such defaulters, with the amount respectively due from them.

This act to take effect from and after its passage.

APPROVED Feb. 15, 1841.

THE  
REVISED STATUTES  
OF THE  
STATE OF MISSOURI,

LEGISLATIVE LIBRARY  
STATE OF  
MISSOURI

REVISED AND DIGESTED BY THE THIRTEENTH GENERAL ASSEMBLY, DURING THE  
SESSION OF EIGHTEEN HUNDRED AND FORTY-FOUR AND EIGHTEEN  
HUNDRED AND FORTY-FIVE;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MISSOURI,

AND

THE ACT OF CONGRESS

AUTHORIZING THE PEOPLE OF MISSOURI TERRITORY TO FORM  
A STATE GOVERNMENT,

AND

THE ORDINANCE

OF THE CONVENTION OF THE PEOPLE OF MISSOURI, BY THEIR REPRESENTATIVES,  
DECLARING THE ASSENT OF THE PEOPLE OF MISSOURI TO THE CONDITIONS  
AND PROVISIONS OF THE SAID ACT OF CONGRESS;

WITH AN

APPENDIX.

---

PRINTED UNDER THE SUPERINTENDENCE OF

WILLIAM CLAUDE JONES, COMMISSIONER,

APPOINTED IN VIRTUE OF "AN ACT TO PROVIDE FOR THE ELECTION AND COMPENSATION OF  
A COMMISSIONER TO SUPERINTEND THE PRINTING OF THE REVISED LAWS."

---

ST. LOUIS:

PRINTED FOR THE STATE, BY J. W. DOUGHERTY.

1845.

## CHAP. 173.

Penalty for taking up, using or working strays contrary to this act.

such stray, in any manner, contrary to this act, or use or work it, before having it appraised, or shall keep the same more than three days out of the county, at any one time, before he acquire title to the same, such offender shall forfeit to the county twenty dollars.

Penalty for failing to comply with this act, &c.

SEC. 31. If any person take up any stray, and violate or fail to comply with this act, or abuse or injure such stray, the owner may recover of him double the amount of all injury sustained, with costs.

Penalty on printer or clerk failing to perform his duties.

SEC. 32. If any printer, clerk, or justice of the peace, fail to perform the duties enjoined on him by this act, he shall forfeit to the county, not less than five, nor more than fifty dollars, and pay to the party injured, not less than five, nor more than ninety dollars.

Approved February 22, 1845.

## CHAPTER 173.

## SURVEYORS.

## AN ACT concerning the office of county surveyor.

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|---|--|
| <p>SEC. 1. County surveyor, how elected, tenure of office.</p> <p>2. Election to be certified by clerk; vacancy how filled.</p> <p>3. Oath of office, bond, &amp;c., when to be executed, condition of the bond.</p> <p>4. Neglecting to execute bond, office vacated.</p> <p>5. Bond may be taken by clerk of county court in vacation.</p> <p>6. Bond binding until rejected by the court.</p> <p>7. Bond rejected, new one to be executed; failure, office vacant.</p> <p>8. Approval of bond to be endorsed, recorded, how.</p> <p>9. Duty of surveyor in executing orders of court.</p> <p>10. Duty when required by an individual.</p> <p>11. What surveys shall be legal evidence.</p> <p>12. When county surveyor is interested, how survey to be made.</p> | <p>SEC. 13. Duties of, in keeping records, &amp;c.</p> <p>14. Lands divided by county lines, may be surveyed by surveyor of county in which any part lies.</p> <p>15. Title in dispute of lands divided by county line, how surveyed.</p> <p>16. Chainmen and markers to take oath, when.</p> <p>17. Compensation of chainmen and markers.</p> <p>18. Chainmen and markers may be provided by party, when.</p> <p>19. Deputies, how to be appointed.</p> <p>20. County court may obtain field notes from surveyor general, to be filed in office of county surveyor.</p> <p>21. Surveyor furnished with field notes, not to charge for copies.</p> <p>22. Copies of certified copy of field notes, evidence.</p> <p>23. Penalty on surveyor failing to perform duties.</p> |
|---|--|

Be it enacted by the General Assembly of the State of Missouri, as follows: CHAP. 173.

SECTION 1. That at the August election in eighteen hundred and forty-seven, and every fourth year thereafter, the qualified voters of each county shall elect some suitable person as county surveyor, who shall hold his office for four years, and until his successor is elected, commissioned and qualified. County surveyor, how elected; tenure of office 1835.

SEC. 2. The clerk of the county court shall certify the election of county surveyor, in the same manner as other elections of state officers, (a) and the person elected shall be commissioned by the governor; and in case of a vacancy by death, resignation, or otherwise, it shall be filled as in case of a vacancy in the office of sheriff. (b) Election, how certified, how commissioned; vacancy, how filled.

SEC. 3. Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, (c) and enter into bond to the state of Missouri, in a sum not less than one thousand, nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor; and that at the expiration of his term of service, he, his executors or administrators, will immediately deliver to the clerk of the county court all the records, books, and papers appertaining to his office. Oath of office; bond, &c., when to be executed. Condition thereof.

SEC. 4. If any county surveyor fail to give such bond, in the time prescribed in the preceding section, his office shall be vacant. Failing to give bond, office vacated.

SEC. 5. Such bond may be taken by the clerk of the county court in vacation; and if so taken, shall be approved or rejected by the county court, at the next term thereof. Bond may be taken by clerk in vacation.

SEC. 6. Such bond shall be valid until it is rejected; and its rejection shall not release the principal and securities from any liability incurred previous to its rejection. Bond binding till rejected by the court.

SEC. 7. If such bond be rejected, the county court shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant. Bond rejected, new one, to be executed; failure, office vacated.

(a) *Vide*, the act to regulate elections.

(b) *Vide*, the act to regulate the office of sheriff, and section twenty-four, article four, of the constitution of the United States.

(c) *Vide*, section thirty-two of article three, of the constitution of the state.

## CHAP. 173.

Bond to be recorded.

SEC. 8. If such bond be approved, it shall, with the approval endorsed thereon, be recorded at the expense of the county surveyor, in the recorder's office of the county.

Duty of surveyor in executing orders of court.

SEC. 9. The county surveyor shall execute all orders to him directed, by any court of record, for surveying, or re-surveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate.

Duty, when required by an individual.

SEC. 10. The county surveyor shall, within ten days, when called upon, survey any tract of land, or town lot, lying in his county, at the expense of the person demanding the same, provided that his legal fees are first tendered.

What surveys shall be legal evidence.

SEC. 11. No survey, or re-survey, hereafter made by any person, except the county surveyor, or his deputy, shall be considered legal evidence in any court within this state, except such surveys as are made by the authority of the United States, or by mutual consent of the parties.

When county surveyor is interested, how survey to be made.

SEC. 12. When it shall appear that the county surveyor is interested in any tract of land, the title of which is in dispute before the court, the court shall direct the survey or re-survey to be made by some capable person, who is in no wise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey, or re-survey, on oath or affirmation; and shall receive for his services, the same fees that the county surveyor would do for similar services.

Duties of county surveyor in keeping records, &c.

SEC. 13. The surveyor of each county shall: *First*, Keep a fair and correct record of all surveys made by himself and deputies, in a book to be by him procured for that purpose; *Second*, Number his surveys progressively; *Third*, File and preserve a copy of the calculation of each survey, endorsing thereon its respective number; and, *Fourth*, Deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law.

Lands divided by county line, may be surveyed by surveyor of county in which any part lies.

SEC. 14. Any person owning or claiming lands, where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate, and on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county.

## CHAP. 173.

SEC. 15. When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey, may direct such order to the surveyor of any county in which any part of such lands is situate.

Title in dispute of lands divided by county line, how surveyed.

SEC. 16. Each chainman and marker, employed by the county surveyor, or his deputy, shall, before he commences the duty assigned him, take an oath or affirmation faithfully and impartially to execute the duties of chainman or marker, (as the case may be) which oath or affirmation, the county surveyor, or his deputy, is authorized and required to administer.

Chainmen and markers to take oath, when.

SEC. 17. Each chainman and marker shall be allowed seventy-five cents for each day he is actually employed, which shall be paid by the party at whose request the survey is made.

Compensation of chainmen and markers.

SEC. 18. The chainmen and markers may be provided by the party requesting the survey, if approved by the surveyor.

By whom provided.

SEC. 19. Deputies may be appointed by any surveyor, who, before they proceed to discharge their duties, shall take an oath, well, truly and faithfully, to discharge the duties of deputy surveyors.

Deputies, how to be appointed.

SEC. 20. The county courts shall have power, in their discretion, to procure from the surveyor general of the United States, at St. Louis, a certified copy of the field notes of surveys lying within their county, relating to a description of the township and legal sub-division corners, the variation at which the east and west township and range lines were run, the length of the several lines of the several sections, and the fallings of all east and west township and section lines, and file the same in the office of the county surveyor.

County court may obtain field notes, &c. 1840-1.

SEC. 21. No county surveyor, thus furnished with field notes, shall, when called upon to execute any survey, make any charge for furnishing field notes.

Surveyor not to charge for field notes, when furnished by county.

SEC. 22. When such copies of field notes are filed in the office of the county surveyor, by the county court, copies of such copies, certified by the county surveyor, shall be evidence.

Copies of field notes, evidence.

SEC. 23. Any county surveyor who shall fail to perform the duties required of him by this act, shall be fined in a sum not exceeding ninety dollars, to be recovered by action of debt at the suit of the injured party.

Penalty on surveyor failing to perform duties.

Approved February 13, 1845.

# LAWS



## THE STATE OF MISSOURI,

PASSED AT THE FIRST SESSION OF THE

EIGHTEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON

ON MONDAY, THE 25<sup>TH</sup> DAY OF DECEMBER, A. D., 1854.

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BY AUTHORITY.

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JEFFERSON CITY:  
JAMES LUSK, PUBLIC PRINTER  
1855.

librarian by the auditor of public accounts, and the amount thus retained, shall be drawn from the treasury on warrant, and applied to the replacement of the book thus lost.

§ 17. Whenever there are in the secretary of state's office, any copies of the decisions of the supreme court of this state subject to disposal, the librarian is hereby authorized to exchange any such copies, for copies of the decisions of the supreme court of any other state, which may be wanted in the library.

§ 18. The librarian shall receive, as a compensation for his services as such, the sum of three hundred dollars per annum, to be paid quarter annually, out of the appropriation for the pay of civil officers; and he shall see that the library rooms are at all times properly warmed, lighted and prepared for the accommodation of the members of the general assembly, attorneys of the supreme court, and of such other persons as are permitted to use the same.

§ 19. The librarian, during the sessions of the general assembly and supreme court, shall keep the libraries open each day, (Sundays excepted,) from nine o'clock in the morning, until five in the evening.

§ 20. All acts or parts of acts inconsistent with this act, are hereby repealed.

This act to take effect from its passage.

Approved March 5, 1855.

## SURVEYORS.

### AN ACT specifying the duties of County Surveyors

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|---|---|
| <p>§ 1. Duty of surveyors in subdividing a section of land.</p> <p>2. Subdivision of sections into quarters.</p> <p>3. Subdivision of sections into eighths.</p> <p>4. Subdivision of sections into sixteenths.</p> <p>5. Blank quarter section corners; how established.</p> <p>6. Same continued.</p> <p>7. Subdivision of fractional sections.</p> | <p>§ 8. Same continued.</p> <p>9. Decayed or destroyed quarter section corners; how established.</p> <p>10. Corners; how perpetuated.</p> <p>11. Surveys heretofore made and recorded, not affected.</p> <p>12. This act to take effect and be published; when and how.</p> |
|---|---|

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

§ 1. In subdividing a section of land in halves, it shall be the duty of county surveyors to commence at the point of one of the quarter section corners required, and run a random line thence, in the direction of the opposite corner, to a point at right angles therefrom, note the fallings, and then correct by running a true line from corner to corner.

§ 2. In subdividing a section of land into quarters, it shall be required to commence at any one of the requisite quarter section corners, and run thence in the direction of the opposite corner, and at 40 chains set a temporary post; then continue the line to said opposite corner, or to a point at right angles therefrom, note the fallings and length of the line, then proceed to run a random line through the section to be quartered, in a transverse direction from the first line run, and in the same manner as there directed; then from the temporary post, set at 40 chains on the ran-

dom lines, proceed to find the point of intersection of the true lines, by making the necessary off-sets therefrom, which point of intersection shall be established, as the true and legal centre corner of the section; then correct by running true lines from the centre to the quarter section corners, or vice versa, as best suits the convenience of the surveyor.

§ 3. In subdividing a section of land into eighths, it shall be required; *first*, to proceed to find the centre of the section, as directed in the last preceding section of this act, in addition to which, it shall be required, in running the random line across the end of the eighth subdivision to be surveyed, to set a temporary post at twenty chains from the quarter section corner; then from said temporary post, set at 20 chains, proceed to find the medium point on the lines between the centre and the quarter section corners, which point shall be the true and legal inside corner, to the eighth subdivision to be surveyed; *second*, run a random line between the section and quarter section corners across the end of the eighth subdivision to be surveyed, at twenty chains set a temporary post; then continue the random line to the corner, note the falling therefrom, and the length of the line; then from the temporary post, at twenty chains, proceed to find the medium point on the line between the section and quarter section corners, which point shall be the true and legal corner; then proceed to run true lines from corner to corner, around the eighth subdivision to be surveyed.

§ 4. In subdividing a section of land into sixteenths, it shall be required; *first*, to ascertain the corner of the section as directed in section two of this act; *second*, to find the medium points on the lines between corners on the four sides of the quarter section to be quartered; *third*, from said medium points run random lines through the quarter section each way, and then proceed in the manner pointed out in section two of this act, to subdivide a section into quarters.

§ 5. That the blank quarter section corners on the west side of fractional sections six, seven, eighteen, nineteen, thirty and thirty-one, be required to be established the same distance north or south of the quarter section corners, to sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, as the corresponding fractional section corners south thereof are north or south of the section corners above named.

§ 6. That the blank quarter section corners on the north sides of fractional sections one, two, three, four, five and six, be required to be established the same distance, (after taking into consideration the length of the south boundaries thereof, as established by the deputy United States surveyor,) east or west of the quarter section corners, to sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, as the corresponding fractional section corners east thereof, are east or west of the section corners above named.

§ 7. In subdividing a section made fractional by claims, grants, navigable water courses, lakes, impenetrable swamps, or state lines, it [shall] be required to run parallel to the east and south boundaries thereof, excepting when there exists opposite quarter section corners, when it shall be required to run random lines, and correct by running true lines, in the manner heretofore directed; *provided, however*, when there are no east and south boundaries, it shall be legal to run parallel to the north and west boundaries thereof.

§ 8. That in subdividing fractional sections, it shall be required to divide

the excess or deficiency in length of lines, over or under the original length of the lines as surveyed by the deputy United States surveyor, in due proportion among the several subdivisions.

§ 9. In establishing decayed or destroyed quarter section corners, it [shall] be required to ascertain the medium point on the line between the two adjacent section corners, and reestablish such decayed or destroyed corners at said medium point.

§ 10. That in establishing decayed or destroyed section corners, it shall be legal; *first*, to reestablish such decayed or destroyed corners at the point of intersection of the original marked section lines. If said point cannot be satisfactorily obtained by this mode, it shall be legal; *second*, to commence at any two section corners in transverse directions from the corner sought, and run random lines in the direction thereof to the quarter section corners, note the fallings therefrom; then adjust the compass to the true course of said lines respectively, continue the true course of said lines and establish the corner sought, at the point of intersection thereof; *third*, when several adjacent corners are decayed, it shall be legal to commence at any two of the nearest township, section or quarter section corners, to the corner sought, and in transverse directions therefrom, and run in the direction thereof on the general course of lines in the township in which the survey is to be made, until the lines intersect, (always, however, taking into consideration the fallings of the east and west lines,) which point of intersection shall be the legal corner; *provided, however*, that this, and the last foregoing section, shall not be construed to effect the legality of article second of an act concerning perpetuating testimony.

§ 11. For the purpose of perpetuating, every surveyor shall be required to establish his corners by taking bearing trees, and noting particularly the kind, diameter, course and distance, and when there are no trees within a reasonable distance, the surveyor shall perpetuate his corners by erecting mounds; *provided*, that in all cases where it shall appear practicable, the surveyor shall require the person having the survey made, to furnish suitable stone, and at each and every corner made and established, a stone shall be permanently placed in the ground, and in such cases it shall not be necessary to erect mounds.

§ 12. This act shall, in no wise be construed, either to effect [affect] the legality of surveys heretofore legally made and recorded, or to prevent surveyors from taking advantage of any corners previously legally established.

§ 13. This act shall take effect from and after its passage, and be published with, and as a part of the revised statutes.

Approved March 5, 1855.

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## TRESPASS.

AN ACT to amend Chapter 180, Revised Statutes, entitled, "Trespas."

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| <p>§ 1. Penalty for cutting trees or saplings upon land of other persons in certain counties; exceptions.</p> <p>2. Fines; for what use to be applied.</p> | <p>§ 3. How this act shall be construed.</p> <p>4. In actions of trespass, jurisdiction of justice of the peace.</p> <p>5. Act to take effect; when.</p> |
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# REVISED STATUTES

OF THE

## STATE OF MISSOURI,

1855

REVISED AND DIGESTED BY THE EIGHTEENTH GENERAL ASSEMBLY, DURING THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE;

TO WHICH ARE PREFIXED THE

## CONSTITUTIONS OF THE UNITED STATES

AND OF THE

## STATE OF MISSOURI,

WITH AN

# APPENDIX,

INCLUDING CERTAIN LOCAL ACTS OF THIS STATE, AND LAWS OF CONGRESS, AND FORM BOOK.

CHARLES H. HARDIN,

COMMISSIONER APPOINTED BY THE LEGISLATURE.

Published by Authority of Law.

VOLUME II.

CITY OF JEFFERSON:

PRINTED FOR THE STATE, BY JAMES LUSK, PUBLIC PRINTER.

1856.

forfeit to the county not less than five, nor more than fifty dollars, and pay to the party injured not less than five, nor more than ninety dollars.

*Approved* December 11, 1855.

## CHAPTER CLV.

### SURVEYORS.

#### AN ACT CONCERNING THE OFFICE OF COUNTY SURVEYOR.

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|--|--|
| <p>§ 1. County surveyor, how elected; tenure of office.</p> <p>2. Election to be certified by clerk; vacancy, how filled.</p> <p>3. Oath of office, bond, &amp;c., when to be executed; condition of the bond.</p> <p>4. Neglecting to execute bond, office vacated.</p> <p>5. Bond may be taken by clerk of county court in vacation.</p> <p>6. Bond binding until rejected by the court.</p> <p>7. Bond rejected, new one to be executed; failure, office vacant.</p> <p>8. Approval of bond to be endorsed, recorded, how.</p> <p>9. Duty of surveyor in executing orders of court.</p> <p>10. Duty, when required by an individual.</p> <p>11. What surveys shall be legal evidence.</p> <p>12. When county surveyor is interested, how survey to be made.</p> <p>13. Duties of, in keeping records, &amp;c.</p> <p>14. Lands divided by county lines may be surveyed by surveyor of either county.</p> <p>15. Title in dispute of lands divided by county line, how surveyed.</p> | <p>16. Chainmen and markers to take oath, when.</p> <p>17. Compensation of chainmen and markers.</p> <p>18. Chainmen and markers may be provided by party, when.</p> <p>19. Deputies, how to be appointed.</p> <p>20. County court may obtain certified copy of field-notes of public surveys, &amp;c.</p> <p>21. County surveyor having obtained copy, expenses, how paid.</p> <p>22. Copy of such copy, certified by surveyor, made evidence.</p> <p>23. Duty of surveyors in subdividing a section of land.</p> <p>24. Sections into quarters.</p> <p>25. Sections into eighths.</p> <p>26. Sections into sixteenths.</p> <p>27. Blank quarter-section corners, how established.</p> <p>28. Same continued.</p> <p>29. Subdivision of fractional sections.</p> <p>30. Same continued.</p> <p>31. Decayed or destroyed quarter-section corners, where established.</p> <p>32. Same, how established.</p> <p>33. Corners, how perpetuated.</p> <p>34. Surveys heretofore made and recorded, not affected.</p> <p>35. Penalty on surveyor failing to perform duties.</p> |
|--|--|

*Be it enacted by the General Assembly of the State of Missouri, as follows:—*

SECTION 1.—That, at the August election, in eighteen hundred and fifty-nine, and every four years thereafter, the

Surveyor  
elected.

## CHAP. 155.

qualified voters of each county shall elect some suitable person as county surveyor, who shall hold his office for four years, and until his successor is elected, commissioned and qualified.

SEC. 2. — The clerk of the county court shall certify the election of county surveyor, in the same manner as other elections of State officers, and the person elected shall be commissioned by the Governor; and in case of a vacancy by death, resignation or otherwise, it shall be filled as in case of a vacancy in the office of sheriff. (a)

SEC. 3. — Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the Constitution, (b) and enter into bond to the State of Missouri, in a sum not less than one thousand, nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that, at the expiration of his term of service, he, [or, in case of his death,] his executors or administrators, will immediately deliver to the clerk of the county court all the records, books and papers, appertaining to his office.

SEC. 4. — If any county surveyor fail to give such bond, in the time prescribed in the preceding section, his office shall be vacant.

SEC. 5. — Such bond may be taken by the clerk of the county court in vacation; and, if so taken, shall be approved or rejected by the county court, at the next term thereof.

SEC. 6. — Such bond shall be valid until it is rejected, and its rejection shall not release the principal and securities from any liability incurred previous to its rejection.

SEC. 7. — If such bond be rejected, the county court shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant.

Tenure, of office.

Election to be certified by clerk; vacancy, how filled.

Oath of office, bond, &c., when to be executed; condition of the bond.

Office vacant, when.

Bond may be taken by clerk in vacation.

Bond binding until rejected by the court.

Bond rejected, new one to be executed; failure, office vacant.

(a) *Vide*, the act to regulate elections, the act to regulate the offices of sheriff and marshal, and section twenty-four, article four, of the Constitution of this State.

(b) *Vide*, section thirty-two, article three, of the Constitution of this State.

Bond to be recorded.

SEC. 8.—If such bond be approved, it shall, with the approval endorsed thereon, be recorded, at the expense of the county surveyor, in the recorder's office of the county.

Duty of surveyor in executing orders of court.

SEC. 9.—The county surveyor shall execute all orders to him directed, by any court of record, for surveying or re-surveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate.

Duty, when required by an individual.

SEC. 10.—The county surveyor shall, within ten days, when called upon, survey any tract of land or town lot, lying in his county, at the expense of the person demanding the same, provided that his legal fees are first tendered.

What surveys shall be legal evidence.

SEC. 11.—No survey or re-survey hereafter made by any person, except the county surveyor or his deputy, shall be considered legal evidence in any court within this State, except such surveys as are made by the authority of the United States, or by mutual consent of the parties. (a)

When county surveyor is interested, how survey to be made.

SEC. 12.—When it shall appear that the county surveyor is interested in any tract of land, the title of which is in dispute before the court, the court shall direct the survey or re-survey to be made by some capable person, who is in no wise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or re-survey, on oath or affirmation; and shall receive for his services the same fees that the county surveyor would do for similar services.

Duties of, in keeping records, &c.

SEC. 13.—The surveyor of each county shall: *First*, Keep a fair and correct record of all surveys made by him-

(a) In ascertaining the boundaries of lands purchased from the United States, according to the government surveys, the boundary lines actually run and marked by the public surveyors are to be taken and considered as the true boundaries, although such marked boundaries may not correspond with the courses and distances. The sections and their subdivisions, thus ascertained, are to be considered as containing the exact quantity expressed in the returns of the surveyors, whatever may be the actual quantity contained in such sections and subdivisions. 6 Mo. Rep., 219; 8 Mo. Rep., 553. Courses and distances must yield to an ascertained corner or boundary; and although such corner or boundary may have been effaced or destroyed, yet, if the locality can be established by real testimony, it will prevail. *Ibid.* When the boundaries are fixed, known and unquestionable, monuments must govern, although neither courses and distances, nor the computed contents, correspond with such monuments. *Ibid.*; *McGill v. Somers & McKee*, 15 Mo. Rep., 80. *Vale, Shelton & Heatherly v. Maupia*, 16 Mo. Rep., 124; *Blair v. Smith*, *Ibid.*, 273. Boundaries may be proved by a witness who is acquainted with the lines and corners run and established by the surveyor, although he never saw the land surveyed. *Weaver v. Robiuctt*, 17 Mo. Rep., 459.

## CHAP. 155.

self and deputies, in a book to be by him procured for that purpose; *Second*, Number his surveys progressively; *Third*, File and preserve a copy of the calculation of each survey, endorsing thereon its respective number; *Fourth*, Deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law.

SEC. 14. — Any person owning or claiming lands, where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate; and, on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county.

SEC. 15. — When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such lands is situate.

SEC. 16. — Each chainman and marker, employed by the county surveyor or his deputy, shall, before he commences the duty assigned him, take an oath or affirmation faithfully and impartially to execute the duties of chainman or marker, (as the case may be,) which oath or affirmation, the county surveyor or his deputy is authorized and required to administer.

SEC. 17. — Each chainman and marker shall be allowed one dollar for each day he is actually employed, which shall be paid by the party at whose request the survey is made.

SEC. 18. — The chainmen and markers may be provided by the party requesting the survey, if approved by the surveyor.

SEC. 19. — Deputies may be appointed by any surveyor, who, before they proceed to discharge their duties, shall take an oath, well, truly and faithfully, to discharge the duties of deputy surveyors.

SEC. 20. — The several county courts in this State are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Surveyor-General of the United States, at St. Louis, or from the register of any land-office in the land district in which such

Lands divided by county lines may be surveyed by surveyor of county in which any part lies.

Title in dispute of lands divided by county line, how surveyed.

Chainmen and markers to take oath, when.

Compensation of chainmen and of markers.

By whom provided.

Deputies, how to be appointed.

County court may obtain certified copy of field-notes of public surveys.

courts are held, a certified copy of so much of the field-notes of all surveys lying within their counties, respectively, which have been, and may be, made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines; the same to be filed in the office of the county surveyor of their counties, respectively.

County surveyor having obtained copy, expenses, how paid.

SEC. 21.—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in the preceding section, the county court may make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed as provided in the next preceding section: *Provided, however,* That no county surveyor, thus furnished with the field-notes, shall, when called upon to execute any survey, make any additional charge therefor.

Copy of such copy made evidence.

SEC. 22.—In all cases where such copies are filed, a copy of such copies, certified by the county surveyor, shall be evidence in all cases where the same is drawn in question in any judicial proceedings.

Duty of surveyors in subdividing a section of land.

SEC. 23.—In subdividing a section of land in halves, it shall be the duty of county surveyors to commence at the point of one of the quarter-section corners required, and run a random line thence, in the direction of the opposite corner, to a point at right angles therefrom, note the fallings, and then correct, by running a true line from corner to corner. (a)

Sections into quarters.

SEC. 24.—In subdividing a section of land into quarters, it shall be required to commence at any one of the requisite quarter-section corners, and run thence in the direction of the opposite corner, and, at forty chains, set a temporary post; then continue the line to said opposite corner, or to a point at right angles therefrom, note the fallings and length of the line, then proceed to run a random line through the section to be quartered, in a transverse direction from the first line

(a) Sections twenty-three to thirty-four, inclusive, were taken from the acts of 1855, p. 189.

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run, and in the same manner as there directed; then, from the temporary post set at forty chains on the random lines, proceed to find the point of intersection of the true lines, by making the necessary off-sets therefrom, which point of intersection shall be established as the true and legal centre corner of the section; then correct, by running true lines from the centre to the quarter-section corners, or *vice versa*, as best suits the convenience of the surveyor.

SEC. 25.—In subdividing a section of land into eighths, it shall be required: *First*, To proceed to find the centre of the section, as directed in the last preceding section of this act; in addition to which it shall be required, in running the random line across the end of the eighth subdivision to be surveyed, to set a temporary post at twenty chains from the quarter-section corner; then, from said temporary post set at twenty chains, proceed to find the medium point on the lines between the centre and the quarter-section corners, which point shall be the true and legal inside corner to the eighth subdivision to be surveyed; *Second*, Run a random line between the section and quarter-section corners across the end of the eighth subdivision to be surveyed; at twenty chains set a temporary post; then continue the random line to the corner, note the falling therefrom and the length of the line; then, from the temporary post at twenty chains, proceed to find the medium point on the line between the section and quarter-section corners, which point shall be the true and legal corner; then proceed to run true lines from corner to corner, around the eighth subdivision to be surveyed.

Sections in-  
to eighths.

SEC. 26.—In subdividing a section of land into sixteenths, it shall be required: *First*, To ascertain the centre corner of the section, as directed in the twenty-fourth section of this act; *Second*, To find the medium points on the lines between corners on the four sides of the quarter section to be quartered; *Third*, From said medium points, run random lines through the quarter section each way, and then proceed, in the manner pointed out in section twenty-four, to subdivide a section into quarters.

Sections in-  
to sixteenths.

SEC. 27.—The blank quarter-section corners, on the west side of fractional sections six, seven, eighteen, nineteen, thirty and thirty-one, *be* [are] required to be established the same distance north or south of the quarter-section corners, to

Blank  
quarter-section  
corners,  
how estab-  
lished.

sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, as the corresponding fractional-section corners south thereof are north or south of the section corners above named.

Same con-  
tinued.

SEC. 28. — The blank quarter-section corners on the north side of fractional sections one, two, three, four, five and six, *be* [are] required to be established the same distance, (after taking into consideration the length of the south boundaries thereof, as established by the deputy United States surveyor,) east or west of the quarter-section corners, to sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, as the corresponding fractional-section corners east thereof are east or west of the section corners above named.

Subdivision  
of fractional  
sections.

SEC. 29. — In subdividing a section made fractional by claims, grants, navigable water-courses, lakes, impenetrable swamps or State lines, it shall be required to run parallel to the east and south boundaries thereof, excepting when there exist opposite quarter-section corners, when it shall be required to run random lines, and correct by running true lines, in the manner heretofore directed: *Provided, however,* When there are no east and south boundaries, it shall be legal to run parallel to the north and west boundaries thereof.

Same con-  
tinued.

SEC. 30. — In subdividing fractional sections, it shall be required to divide the excess or deficiency in length of lines, over or under the original length of the lines, as surveyed by the deputy United States surveyor, in due proportion among the several subdivisions.

Decayed or  
destroyed  
quarter-sec-  
tion corners,  
where esta-  
blished.

SEC. 31. — In establishing decayed or destroyed quarter-section corners, it shall be required to ascertain the medium point on the line between the two adjacent section corners, and reestablish such decayed or destroyed corners at said medium point.

Same, how  
established.

SEC. 32. — In establishing decayed or destroyed section corners, it shall be legal: *First,* To reestablish such decayed or destroyed corners at the point of intersection of the original marked section lines: if said point cannot be satisfactorily obtained by this mode, it shall be legal; *Second,* To commence at any two section corners in transverse directions from the corner sought, and run random lines in the direction thereof to the quarter-section corners; note the falling therefrom; then, adjusting the compass to the true course of said

## CHAP. 156.

lines respectively, continue the true course of said lines, and establish the corner sought at the point of intersection thereof; *Third*, When several adjacent corners are decayed, it shall be legal to commence at any two of the nearest township, section or quarter-section, corners, to the corner sought, and in transverse directions therefrom, and run in the direction thereof, on the general course of lines in the township in which the survey is to be made, until the lines intersect, (always, however, taking into consideration the fallings of the east and west lines,) which point of intersection shall be the legal corner.

SEC. 33.—For the purpose of perpetuating [corners,] every surveyor shall be required to establish his corners by taking bearing trees, and noting particularly the kind, diameter, course and distance; and when there are no trees within a reasonable distance, the surveyor shall perpetuate his corner, by erecting mounds; and, when practicable, he shall require the person having the survey made, to furnish suitable stones, and at each and every corner made and established, a stone shall be permanently placed in the ground, and, in such cases, it shall not be necessary to erect mounds.

SEC. 34.—This act shall in no wise be construed, either to affect the legality of surveys heretofore legally made and recorded, or to prevent surveyors from taking advantage of any corners previously legally established.

SEC. 35.—Any county surveyor who shall fail to perform the duties required of him by this act, shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party.

Corners, how perpetuated.

Surveys made and recorded, not affected.

Penalty on surveyor failing to perform duties.

*Approved* November 23, 1855.

## CHAPTER CLVI.

## TELEGRAPH COMPANIES.

## AN ACT CONCERNING TELEGRAPH COMPANIES AND ELECTRIC TELEGRAPHING.

- |   |  |
|---|--|
| <p>§ 1. All telegraph companies to be governed by the provisions of this act.</p> | <p>§ 2. Lines may be constructed upon public highways, and across the waters of the State.</p> |
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THE  
GENERAL STATUTES

OF THE  
STATE OF MISSOURI.

1865.

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REVISED BY THE TWENTY-THIRD GENERAL ASSEMBLY.

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THOMAS C. FLETCHER,  
GOVERNOR.

GEORGE SMITH,  
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE.

A. J. HARLAN,  
SPEAKER OF THE HOUSE OF REPRESENTATIVES.\*

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\* The twenty-third general assembly convened on Monday, December 26th, 1864. Hon. Walter Lovelace was elected speaker of the house of representatives. The assembly adjourned on the 20th February, 1865, till the first day of November, 1865.

On the first day of May, 1865, Hon. Walter Lovelace was appointed a judge of the supreme court of Missouri. On the meeting of the house of representatives, Hon. A. J. Harlan was chosen to fill the vacancy.

Tie; contested election.  
R. S. §27, p. 1317.

SECT. 27. If there be a tie, a new election shall be awarded by the county court of the county wherein such election may be held; if there be a contested election, it shall be tried and determined by said court.

Vacancies, how filled.  
R. S. §23, p. 1317, amended.

SECT. 28. If a vacancy shall occur in said office, the county court shall appoint a recorder, who shall hold the office and discharge the duties thereof till an election can be held; and said county court shall order an election to be held within forty days after the appointment of such recorder. In all cases where special elections are provided for in this chapter, the county court shall cause ten days' notice thereof to be given, by publication in one or more newspapers published in the county, if there be any, and if not, then by at least three handbills, to be put up at three of the most public places in each township in the county. The person elected recorder at such election, to fill a vacancy, shall hold the office and discharge the duties thereof for the unexpired term of the officer whose vacancy he has been elected to fill.

To keep account of fees; surplus over \$1000 to be paid into the county treasury, when and for what purpose.  
R. S. §29, p. 1317, amended.

SECT. 29. The recorder of each county in which the offices of recorder of deeds and clerk of the circuit court are separate, shall keep a full, true and faithful account of all fees of every kind received, and make a report thereof every year to the county court; and all the fees received by him, over and above the sum of four thousand dollars, for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the county court may deem necessary, shall be paid into the county treasury, to form a part of the jury fund of the county.

To keep a seal of office; his powers, &c.  
R. S. §30, p. 1317.

SECT. 30. He shall have a seal of office, and shall have power to take the acknowledgment or proof of deeds and instruments of writing, and to take the relinquishments of dower of married women, and certify the same, under his seal of office, in all cases and in the same manner, with like effect, as clerks of circuit courts may do by law.

## CHAPTER 27.

### OF COUNTY SURVEYORS.

#### SECTION

1. Surveyor elected, when; tenure of office.
2. Election to be certified by clerk; vacancy, how filled.
3. Oath of office, bond, &c., when to be executed; condition of the bond.
4. Office vacant, when.
5. Bond may be taken by clerk in vacation.
6. Bond binding until rejected by the court.
7. Bond rejected, new one to be executed; failure, office vacant.
8. Bond to be recorded.
9. Duty of surveyor in executing orders of court.
10. Duty, when required by an individual.
11. What surveys shall be legal evidence.
12. When county surveyor is interested, how survey to be made.
13. Duties of, in keeping records, &c.
14. Lands divided by county lines, may be surveyed by surveyor of county in which any part lies.
15. Title in disputes of lands divided by county line, how surveyed.
16. Chainmen and markers to take oath, when.
17. Compensation of chainmen and markers.

#### SECTION

18. By whom provided.
19. Deputies, how to be appointed.
20. County court may obtain certified copy of field notes of public surveys.
21. County surveyor having obtained copy, expenses, how paid.
22. Copy of such copy made evidence.
23. Duty of surveyor in subdividing a section of land.
24. Sections into quarters.
25. Sections into eighths.
26. Sections into sixteenths.
27. Blank quarter section corners, how established.
28. Same continued.
29. Subdivision of fractional sections.
30. Same continued.
31. Decayed or destroyed quarter section corners, where established.
32. Same, how established.
33. Corners, how perpetuated.
34. Surveys made and recorded, not affected.
35. Penalty on surveyor failing to perform duties.

SECTION 1. At the November election, in the year eighteen hundred and sixty-eight, and every four years thereafter, the qualified voters of each county shall elect some suitable person as county surveyor, who shall hold his office for four years, and until his successor is elected, commissioned and qualified. The present incumbents may remain in office until the persons elected at the time aforesaid are duly commissioned and qualified.

Surveyor to be elected, when. Term of office. R. S. § 1, p. 1512, amended.

SECT. 2. The clerk of the county court shall certify the election of county surveyor, in the same manner as other elections of state officers, and the person elected shall be commissioned by the governor; and in case of a vacancy by death, resignation or otherwise, it shall be filled as in case of a vacancy in the office of sheriff.

Election to be certified by clerk; vacancy, how filled. R. S. § 2, p. 1513. Const. § 23, art. v.

SECT. 3. Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the State of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that, at the expiration of his term of service, he, or in case of his death, his executors or administrators, will immediately deliver to the clerk of the county court all the records, books and papers appertaining to his office.

Oath of office, bond, &c., when to be executed; condition of the bond. R. S. § 3, p. 1513. Const. §§ 6, 9, art. ii.

SECT. 4. If any county surveyor fail to give such bond in the time prescribed in the preceding section, his office shall be vacant.

Office vacant, when. R. S. § 4, p. 1513.

SECT. 5. Such bond may be taken by the clerk of the county court in vacation; and, if so taken, shall be approved or rejected by the county court at the next term thereof.

Bond may be taken by clerk in vacation. R. S. § 5, p. 1513.

SECT. 6. Such bond shall be valid until it is rejected, and its rejection shall not release the principal and securities from any liability incurred previous to its rejection.

Binding until rejected by court. R. S. § 6, p. 1513.

SECT. 7. If such bond be rejected, the county court shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant.

Bond rejected, new one to be executed; failure, office vacant. R. S. § 7, p. 1513.

SECT. 8. If such bond be approved, it shall, with the approval indorsed thereon, be recorded, at the expense of the county surveyor, in the recorder's office of the county.

Bond to be recorded. R. S. § 8, p. 1514.

SECT. 9. The county surveyor shall execute all orders to him directed by any court of record, for surveying or re-surveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate.

Duty of surveyor in executing orders of court. R. S. § 9, p. 1514, amended.

SECT. 10. The county surveyor shall, within ten days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same, provided that his legal fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey.

Duty, when required by an individual. R. S. § 10, p. 1514.

SECT. 11. No survey or re-survey, hereafter made by any person, except that of the county surveyor or his deputy, shall be considered legal evidence in any court in this state, except such surveys as are made by the authority of the United States or by mutual consent of the parties.

What surveys shall be legal evidence. R. S. § 11, p. 1514.

6 M. R., 219. 8 M. R., 553. 15 M. R., 80. 16 M. R. 124. Ibid., 273.

17 M. R., 459. 18 M. R., 590. 21 M. R., 293. 24 M. R., 113.

SECT. 12. When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or re-survey to be made by some capable person, who is in no wise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or re-survey, on oath or affirmation; and shall receive for his services the same fees that the county surveyor would do for similar services.

When county surveyor is interested, how survey to be made. R. S. § 12, p. 1514.

SECT. 13. The surveyor of each county shall: First, keep a fair and correct record of all surveys made by himself or his deputies,

Duties of, in keeping records.

R. S. §13, p. 1614,  
amended.

in a book to be by him procured for that purpose, and shall give a full and complete description of the corners established by him or his deputies; second, in surveying town lots, he shall give the distances to the points or lines from which he established the lines of the lots, and perpetuate the same by measuring the distances to houses standing in the immediate vicinity, or by prolonging the lines to the curbstone, and cut notches thereon; third, number his surveys progressively; fourth, he shall note on each plat and on the field notes the magnetic variation which the lines of the survey were run; fifth, deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law.

Lands divided by  
county lines may  
be surveyed by  
surveyor of  
county in which  
any part lies.  
R. S. §14, p. 1615.

SECT. 14. In case any person own or claim land where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate; and, on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county.

Title in dispute  
of lands divided  
by county line,  
how surveyed.  
R. S. §15, p. 1615.

SECT. 15. When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such lands is situate.

Chainmen and  
markers to take  
oath, when.  
R. S. §16, p. 1615.

SECT. 16. Each chainman and marker employed by the county surveyor or his deputy shall, before he commences the duty assigned him, take an oath or affirmation faithfully and impartially to execute the duties of chainman or marker (as the case may be), which oath or affirmation the county surveyor or his deputy is authorized and required to administer.

Their compensa-  
tion.  
R. S. §17, p. 1615,  
amended.

SECT. 17. Each chainman and marker shall be allowed two dollars for each day he is actually employed, which shall be paid by the party at whose request the survey is made.

By whom provid-  
ed.  
R. S. §18, p. 1615.

SECT. 18. The chainmen and markers may be provided by the party requesting the survey, if approved by the surveyor.

Deputies, how  
to be appointed.  
R. S. §19, p. 1615.

SECT. 19. Deputies may be appointed by any surveyor, who, before they proceed to discharge their duties, shall take an oath well, truly and faithfully to discharge the duties of deputy surveyors.

County court  
may obtain cer-  
tified copy of  
field notes of  
public surveys.  
R. S. §20, p. 1615.

SECT. 20. The several county courts in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the surveyor general of the United States, at St. Louis, or from the register of any land office in the land district in which such courts are held, a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been, and may be, made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines; the same to be filed in the office of the county surveyor of their counties, respectively.

County surveyor  
having obtained  
copy, expenses,  
how paid.  
R. S. §21, p. 1616.

SECT. 21. In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in the preceding section, the county court may make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed as provided in the next preceding section; *provided, however*, that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor.

Copy of such  
copy made evi-  
dence.

SECT. 22. In all cases where such copies are filed, a copy of such copies, certified by the county surveyor, shall be evidence in

all cases where the same is drawn in question in any judicial proceedings. R. S. §22, p. 1516.

SECT. 23. In subdividing a section of land in halves, it shall be the duty of county surveyors to commence at the point of one of the quarter section corners required, and run a random line thence, in the direction of the opposite corner, to a point at right angles therefrom, note the fallings, and then correct by running a true line from corner to corner. Duty of surveyors in subdividing a section of land. R. S. §23, p. 1516.

SECT. 24. In subdividing a section of land into quarters, it shall be required to commence at any one of the requisite quarter section corners, and run thence in the direction of the opposite corner, and, at forty chains, set a temporary post; then continue the line to said opposite corner, or to a point at right angles therefrom, note the fallings and length of the line; then proceed to run a random line through the section to be quartered, in a transverse direction from the first line run, and in the same manner as there directed; then, from the temporary post set at forty chains on the random lines, proceed to find the point of intersection of the true lines, by making the necessary off-sets therefrom, which point of intersection shall be established as the true and legal center corner of the section; then correct, by running true lines from the center to the quarter section corners, or *vice versa*, as best suits the convenience of the surveyor. Sections into quarters. R. S. §24, p. 1516.

SECT. 25. In subdividing a section of land into eighths, it shall be required: First, to proceed to find the center of the section, as directed in the last preceding section of this chapter; in addition to which, it shall be required, in running the random line across the end of the eighth subdivision to be surveyed, to set a temporary post at twenty chains from the quarter section corner; then, from said temporary post set at twenty chains, proceed to find the medium point on the lines between the center and the quarter section corners, which point shall be the true and legal inside corner to the eighth subdivision to be surveyed; second, run a random line between the section and quarter section corners across the end of the eighth subdivision to be surveyed; at twenty chains set a temporary post; then continue the random line to the corner, note the falling therefrom and the length of the line; then, from the temporary post at twenty chains, proceed to find the medium point on the line between the section and the quarter section corners, which point shall be the true and legal corner; then proceed to run true lines from corner to corner, around the eighth subdivision to be surveyed. Sections into eighths. R. S. §25, p. 1517.

SECT. 26. In subdividing a section of land into sixteenths, it shall be required: First, to ascertain the center corner of the section, as directed in the twenty-fourth section of this chapter; second, to find the medium points on the lines between corners on the four sides of the quarter section to be quartered; third, from said medium points, run random lines through the quarter section each way, and then proceed, in the manner pointed out in section twenty-four, to subdivide a section into quarters. Sections into sixteenths. R. S. §26, p. 1517.

SECT. 27. The blank quarter section corners on the west side of fractional sections six, seven, eighteen, nineteen, thirty and thirty-one, are required to be established the same distance north or south of the quarter section corners, to sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, as the corresponding fractional section corners south thereof are north or south of the section corners above named. Blank quarter section corners, how established. R. S. §27, p. 1517.

SECT. 28. The blank quarter section corners on the north side of fractional sections one, two, three, four, five and six, are required to be established the same distance (after taking into consideration the length of the south boundaries thereof, as established by the deputy United States surveyor,) east or west of the quarter- Same continued. R. S. §28, p. 1518.

section corners, to sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, as the corresponding fractional section corners east thereof are east or west of the section corners above named.

Subdivision of fractional sections.  
R. S. §29, p. 1518.

SECT. 29. In subdividing a section made fractional by claims, grants, navigable water courses, lakes, impenetrable swamps or state lines, it shall be required to run parallel to the east and south boundaries thereof, excepting when there exist opposite quarter section corners, when it shall be required to run random lines, and correct by running true lines, in the manner heretofore directed; *provided, however*, when there are no east and south boundaries, it shall be legal to run parallel to the north and west boundaries thereof.

Same continued  
R. S. §30, p. 1518.

SECT. 30. In subdividing fractional sections, it shall be required to divide the excess or deficiency in length of lines, over or under the original length of the lines so surveyed by the deputy United States surveyor, in due proportion among the several subdivisions.

Destroyed quarter section corners, where established.  
R. S. §31, p. 1518.

SECT. 31. In establishing decayed or destroyed quarter section corners, it shall be required to ascertain the medium point on the line between the two adjacent section corners, and reestablish such decayed or destroyed corners at said medium point.

Same, how established.  
R. S. §32, p. 1518.

SECT. 32. In establishing decayed or destroyed section corners, it shall be legal: First, to reestablish such decayed or destroyed corners at the point of intersection of the original marked section lines; if said point cannot be satisfactorily obtained by this mode, it shall be legal, second, to commence at any two section corners in transverse directions from the corner sought, and run random lines in the direction thereof to the quarter section corners; note the fallings therefrom; then, adjusting the compass to the true course of said lines, respectively, continue the true course of said lines, and establish the corner sought at the point of intersection thereof; third, when several adjacent corners are decayed, it shall be legal to commence at any two of the nearest township, section or quarter section corners, to the corner sought, and in transverse directions therefrom, and run in the direction thereof, on the general course of lines in the township in which the survey is to be made, until the lines intersect (always, however, taking into consideration the fallings of the east and west lines), which point of intersection shall be the legal corner.

Corners, how perpetuated.  
R. S. §33, p. 519.

SECT. 33. For the purpose of perpetuating corners, every surveyor shall be required to establish his corners by taking bearing trees, and noting particularly the kind, diameter, course and distance; and when there are no trees within a reasonable distance, the surveyor shall perpetuate his corner by erecting mounds; and, when practicable, he shall require the person having the survey made to furnish suitable stones, and at each and every corner made and established a stone shall be permanently placed in the ground; and in such cases it shall not be necessary to erect mounds.

Surveys made and recorded, not affected.  
R. S. §34, p. 1519.

SECT. 34. This chapter shall, in no wise, be construed either to affect the legality of surveys heretofore legally made and recorded, or to prevent surveyors from taking advantage of any corners previously legally established.

Penalty on surveyor failing to perform duties.  
R. S. §35, p. 1519.

SECT. 35. Any county surveyor who shall fail to perform the duties required of him by this chapter, shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party.

# LAW S OF MISSOURI,

PASSED AT THE



## REGULAR SESSION

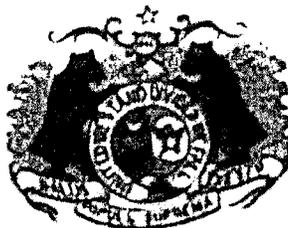
OF THE

## TWENTY-NINTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE

CITY OF JEFFERSON, WEDNESDAY, JANUARY 3, 1877.

*BY AUTHORITY.*



JEFFERSON CITY.

REGAN & CARTER, STATE PRINTERS AND BINDERS.

1877.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. The county courts of the several counties in this State are hereby empowered to levy an annual tax on all property made taxable under the laws of this State for the purpose of paying any valid floating indebtedness existing at the date of the adoption of the Constitution of 1875, which tax shall be extended, collected and accounted for, as is now provided by law for the extension, collection and settlement of the county revenue: *Provided*, That in no case shall the annual levy exceed one per centum of such taxable property. County warrants, script, and other evidences of such valid indebtedness, are hereby made receivable in payment of such tax.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. There being several counties in this State whose revenue is insufficient to pay off their valid floating indebtedness, and also meet their current expenses, creates an emergency that demands the immediate enforcement of this act; therefore, this act shall take effect and be in force from and after its passage.

Approved April 28, 1877.

### COUNTY SURVEYORS: ELECTION OF.

AN ACT to amend section two of chapter twenty-seven of the General Statutes of Missouri, entitled "Of county surveyors."

SECTION

1. Vacancy filled by county court.

SECTION

2. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. That section two of chapter twenty-seven of the General Statutes of Missouri, be and the same is hereby amended so as to read as follows: Section 2. The clerk of the county court shall certify the election of county surveyors in the same manner as other elections of State and county officers, and the person elected shall be commissioned by the Governor; and in case of any vacancy by death, resignation or otherwise, it shall be filled by the county court.

SEC. 2. There being now a vacancy in the office of county surveyor in at least one county in the State (Pulaski), this is deemed an emergency; therefore, this act shall take effect and be in force from and after its passage.

Approved March 24, 1877.

*1877*  
*Rev*  
*1877*  
*Louis Chauvaneet*

MYER'S SUPPLEMENT



— TO —

# WAGNER'S MISSOURI STATUTES.

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CONTAINING THE LAWS OF 1873, 1874 AND 1875, AS PRINTED IN THE  
SESSION ACTS OF THOSE YEARS; ALSO THE LAWS OF 1877,  
PRINTED FROM COMPARED COPIES SUPPLIED BY THE  
CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND HIS ASSISTANTS.

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COMPILED, ARRANGED AND ANNOTATED

BY

WM. G. MYER, ESQ., OF THE ST. LOUIS BAR.

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ST. LOUIS, MO.  
W. J. GILBERT, PUBLISHER OF LAW BOOKS.  
1877.

## PREFACE.

This volume contains all the general laws now in force not included in volumes 1 and 2 of Wagner's Statutes, except the acts of 1877 relating to the classification of cities. These were omitted by the publisher for the reason that they are not likely to become of general importance before the State publishes or authorizes a revision of the Statutes.

The text of the Session Acts of 1873, 1874 and 1875, and the printed bills of 1877 sent down from Jefferson City, are faithfully reproduced in this volume.

The practice of the legislature of repealing "inconsistent acts," without specifying, makes impossible in some cases for the editor to determine with certainty what particular acts or portions of acts are repealed. In all cases where there is any doubt on the subject, notes are appended, directing the reader to the page of the Session Acts where the law may be found, that he may examine the act and determine for himself.

The following suggestions are offered to aid the reader in understanding the arrangement.

1st. Each act is placed under the same chapter and section numbers that it would have been placed under if it had been printed in Wagner's Statutes.

2nd. Each act is arranged in the chapter designated by the legislature; and where an act does not purport to be an amendment of a chapter of the General Statutes or of Wagner's Statutes, it is placed in the chapter to which it most properly belongs, new chapters being introduced in alphabetical order where the act relates to a new subject.

3rd. It often happens that an act purports to amend a chapter of the General Statutes by adding new sections to be numbered in numerical order following the last section in the chapter amended, regardless of the fact that the chapter referred to has, in the meantime, been enlarged by additional sections published in Wagner's Statutes; and on this account it has been impossible in some instances, to retain the section number designated by the legislature.

4th. The sections are numbered as they would have been if they had been published in a revision of Wagner's Statutes, so that any given section in Wagner's Statutes is superseded by a section having a corresponding number in this volume. Sections which do not purport to amend certain specified sections of Wagner's Statutes, but which are proper continuations of any given chapter, are numbered in numerical order following the highest number in the chapter of Wagner's Statutes of 1872.

5th. The words "this chapter" or "said chapter," found in any section, refer to the chapter in which the section is placed.

6th. The words "this act" usually refer to the particular act and not to the whole chapter to which the act is appended; and where the reference is to a particular section of "this act" the section will be found by referring to the section numbers in parenthesis at the head of the section.

7th. The date of the approval of the act is placed in parenthesis at the head of the first section of the act.

8th. Where it is not otherwise provided, the laws of 1877, published in this volume, take effect within the time provided by the constitution.

WM. G. MYE

St. Louis, June, 1877

## CHAPTER 133.—SURVEYORS—COUNTY.

## SECTION.

2. Election; vacancy.  
 2a. Takes effect immediately.  
 3. Oath of office and bond of county surveyor.

## SECTION.

13. Duties of county surveyor.  
 13a. Repeal.  
 46. Plats to be drawn to a scale, when.

§ 2. **Election, how certified; filling vacancy.** (L. 1877, § 1. App. March 24.)

The clerk of the county court shall certify the election of county surveyor in the same manner as other elections of State and county officers, and the person elected shall be commissioned by the governor; and in case of a vacancy by death, resignation or otherwise, it shall be filled by the county court.

§ 2a. **Takes effect immediately.** (*Ibid*, § 2.)

There being now a vacancy in the office of county surveyor in at least one county in the State (Pulaski), this is deemed an emergency; therefore this act shall take effect and be in force from and after its passage.

§ 3. **Oath and bond.** (L. 1873, p. 28, § 1.)

Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the State of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that, at the expiration of his term of office, he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county, all the records, books and papers appertaining to his office; and it is hereby made the duty of the clerk of the county court to deliver to the recorder of deeds of their respective counties, all the books, plats and copies of surveys of any county surveyor, or which may be on file in their respective offices, and take the recorder's receipt for the same.

§ 13. **Duties of surveyor.** (*Ibid*, § 2.)

The county surveyor of every county (except counties having over one hundred thousand inhabitants) shall—

*First*—Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be by him procured, at the expense of the county, for that purpose, which books shall be the property of the county, and shall be known as the "record of surveys;" and every such surveyor shall record in such book a full and complete description of all corners established by him or his deputies; and when any such books shall be completely filled, the same, together with all indexes belonging thereto, shall be delivered to the recorder of deeds of the county, and shall be, by such recorder, deposited and preserved among the records of conveyances of such county.

*Second*—In surveying town lots, he shall give the distances to the points or lines from which he established the lines of the lots, and perpetuate the same by measuring the distances to houses standing in the immediate vicinity, or by prolonging the lines to the curb-stones, and cut notches therein.

*Third*—Number his surveys progressively.

*Fourth*—He shall note on each plat, and on the field-notes, the magnetic variation which the lines of the survey were run.

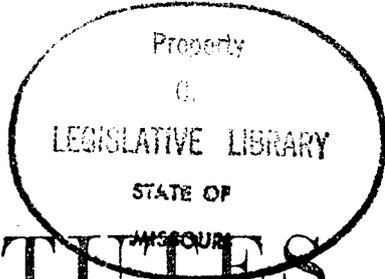
*Fifth*—Deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law, so long as said records shall remain in his possession; and after said records shall have been deposited in the office of the recorder of conveyances, the said recorder shall, on the request of any one, and on payment of his fees for such service, deliver to such person a duly certified copy of such records, under the seal of his office, which shall be accepted as evidence to all intents and purposes as the originals themselves.

§ 13a. **Repeal.** (*Ibid.*, § 3.)

All acts and parts of acts inconsistent with this act are hereby repealed.

§ 46: **Plats to be recorded, how drawn.** (L. 1875, p. 99, § 1.)

Every plat hereafter constructed, which is authorized or required by law to be recorded, or intended to form part of any proceedings for the partition of real estate, shall be drawn to a scale (the scale to be noted thereon), and shall set forth on its face, what block, section, U. S. survey, or part thereof, it purports to represent; it shall be corrected in such manner as to show the relative position of such land to the remainder of the block, quarter section, section or a U. S. survey as the case may be. If said land be intersected by a quarter section, section, or U. S. survey line, said line shall be indicated on said plat and distinguished by suitable words and figures: *Provided, however*, that the provisions of this act shall not apply to the copy of any plat already of record, or to any plat issued by authority of the United States or by the State of Missouri.



THE

# REVISED STATUTES

OF THE

## STATE OF MISSOURI.

### 1879.

WITH AN APPENDIX CONTAINING ALL UNREPEALED ACTS SPECIALLY APPLICABLE TO THE CITY OF ST. LOUIS, PUBLISHED HEREIN ACCORDING TO THE REQUIREMENTS OF LAW.

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REVISED AND PROMULGATED BY THE XXXTH GENERAL ASSEMBLY.

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### VOLUME TWO.

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COLLATED AND ANNOTATED BY JOHN A. HOCKADAY, THOMAS H. PARRISH, BENJAMIN F. MCDANIEL AND DANIEL H. MCINTYRE, COMMITTEE APPOINTED FOR THAT PURPOSE.

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PUBLISHED BY AUTHORITY OF CHAPTER 46, ARTICLE V, OF THE REVISED STATUTES OF THE STATE OF MISSOURI.

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CITY OF JEFFERSON:  
CARTER & REGAN, STATE PRINTERS AND BINDERS.  
1879.

## CHAPTER 158.

## OF COUNTY SURVEYORS.

SECTION	SECTION
7372. Surveyor to be elected, when—term of office.	7391. County court may obtain copies of field notes of public surveys.
7373. Election, how certified.	7392. When copies obtained, expenses to be paid, how.
7374. Oath of office and bond.	7393. Copies of such copies to be evidence, when.
7375. Failure to give bond, office to become vacant.	7394. Duty of surveyor in subdividing a section of land into halves.
7376. Bond, by whom taken—by whom approved.	7395. When subdivided into quarters.
7377. Bond to be valid until rejected.	7396. When subdivided into eighthly.
7378. If bond rejected, new one to be given—if not given, office vacant.	7397. When subdivided into sixteenths.
7379. Bond to be recorded.	7398. Blank quarter section corners, how established.
7380. Surveyor to execute orders of the court.	7399. Id. On north side of fractional corner.
7381. Duty to make survey when required.	7400. Subdivision of section made fractional by claims, etc.
7382. What survey shall be legal evidence.	7401. Fractional sections continued.
7383. When surveyor instructed, survey, how made.	7402. Destroyed quarter section corners, how established.
7384. Surveyor to keep a record.	7403. Decayed or destroyed section corners, how established.
7385. Lands, divided by county lines, by whom surveyed.	7404. Corners, how perpetuated.
7386. Court may order land in dispute surveyed, when and by whom.	7405. Chapter, to be construed, how.
7387. Chainmen, etc., to take oath—surveyor, etc., may administer oath.	7406. Penalty for failure of surveyor to perform duties.
7388. Compensation of chainmen, etc.	
7389. Chainmen, etc., may be provided, by whom.	
7390. Surveyor may appoint deputy—deputy to take oath.	

SEC. 7372. *Surveyor to be elected, when—term of office.*—At the November election, in the year eighteen hundred and sixty-eight, and every four years thereafter, the qualified voters of each county shall elect some suitable person as county surveyor, who shall hold his office for four years, and until his successor is elected, commissioned and qualified. The present incumbents may remain in office until the persons elected at the time aforesaid are duly commissioned and qualified. (G. S. 163, § 1.)

SEC. 7373. *Election, how certified.*—The clerk of the county court shall certify the election of county surveyors in the same manner as other elections of state and county officers, and the person elected shall be commissioned by the governor. (Laws 1877, p. 201, § 1.)

SEC. 7374. *Oath of office and bond.*—Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that, at the expiration of his term of office, he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county, all the records, books and papers appertaining to his office; and it is hereby made the duty of the clerk of the county court to deliver to the recorder of deeds of their respective counties, all the books, plats and copies of surveys of any county surveyor, or which may be on file in their respective offices, and take the recorder's receipt for the same. (Laws 1873, p. 28, § 1.)

SEC. 7375. *Failure to give bond, office to become vacant.*—If any county surveyor fail to give such bond in the time prescribed in the preceding section, his office shall be vacant. (G. S. 163, § 4.)

SEC. 7376. *Bond by whom taken—by whom approved.*—Such bond may be taken by the clerk of the county court in vacation; and, if so taken, shall be approved or rejected by the county court at the next term thereof. (G. S. 163, § 5.)

SEC. 7377. *Bond, to be valid until rejected.*—Such bond shall be valid until it is rejected, and its rejection shall not release the principal and securities from any liabilities incurred previous to its rejection. (G. S. 163, § 6.)

SEC. 7378. *If bond rejected, new one to be given—if not given, office vacant.*—If such bond be rejected, the county court shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant. (G. S. 163, § 7.)

SEC. 7379. *Bond to be recorded.*—If such bond be approved, it shall, with the approval indorsed thereon, be recorded, at the expense of the county surveyor, in the recorder's office of the county. (G. S. 163, § 8.)

SEC. 7380. *Surveyor to execute orders of court.*—The county surveyor shall execute all orders to him directed by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate. (G. S. 163, § 9.)

SEC. 7381. *Duty to make survey when required, etc.*—The county surveyor shall, within ten days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same, provided that his legal fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey. (G. S. 163, § 10.)

SEC. 7382. *What survey shall be legal evidence.*—No survey or resurvey, hereafter made by any person, except that of the county surveyor or his deputy, shall be considered legal evidence in any court in this state, except such surveys as are made by the authority of the United States or by mutual consent of the parties. (G. S. 163, § 11—*a*.)

SEC. 7383. *When surveyor interested, survey, how made.*—When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some capable person, who is in nowise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services the same fees that the county surveyor would do for similar service. (G. S. 163, § 12.)

SEC. 7384. *Surveyor to keep a record.*—The county surveyor of every county, except counties having over one hundred thousand inhabitants, shall: First, keep a fair and correct record of all surveys made by himself and his deputies, in a well bound book, with a convenient index; to be by him procured, at the expense of the county, for that purpose, which books shall be the property of the county, and shall be known as the "record of surveys;" and every such surveyor shall record in such book a full and complete description of all corners established by him or his deputies; and when any such books shall be completely filled, the same, together with all indexes belonging thereto, shall be delivered to the recorder of deeds of the county, and shall be by such recorder deposited and preserved among the records of conveyances of such county; second, in surveying town lots, he shall give the distances to the points or lines from which he established the lines of the lots, and perpetuate the same by measuring the distances to houses standing in the immediate vicinity, or by prolonging the lines to the curbstones, and cut notches therein; third, number his surveys progressively; fourth, he shall note on each plat, and on the field notes, the magnetic variation which the lines of the survey were run; fifth, deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law, so long as said records shall remain in his possession; and after said records shall have been deposited in the office of the recorder of conveyances, the said recorder shall, on the request of any one, and on

(a) Surveys are merely evidence of location; they decide nothing as to the validity or superiority of its title. 39 Mo. 639. A survey, when examined and sanctioned as contemplated by law, is conclusive upon the government, upon all persons who claim under title subsequent to the survey, and upon mere intruders and strangers without title. 15 Mo. 80.

payment of his fees for such service, deliver to such person a duly certified copy of such records, under the seal of his office, which shall be accepted as evidence to all intents and purposes as the originals themselves. (Laws 1873, p. 28, § 2.)

SEC. 7385. *Lands divided by county lines, by whom surveyed.*—In case any person own or claim lands where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate; and, on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county. (G. S. 164, § 14.)

SEC. 7386. *Court may order land in dispute surveyed, when—by whom.* When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such land is situate. (G. S. 164, § 15.)

SEC. 7387. *Chainmen, etc., to take oath—surveyor, etc., may administer oath.*—Each chainman and marker employed by the county surveyor or his deputy shall, before he commences the duty assigned him, take an oath or affirmation faithfully and impartially to execute the duties of chainman or marker, as the case may be, which oath or affirmation the county surveyor or his deputy is authorized and required to administer. (G. S. 164, § 16.)

SEC. 7388. *Compensation of chainmen, etc.*—Each chainman and marker shall be allowed two dollars for each day he is actually employed, which shall be paid by the party at whose request the survey is made. (G. S. 164, § 17.)

SEC. 7389. *Chainmen, etc., may be provided by whom.*—The chainmen and markers may be provided by the party requesting the survey, if approved by the surveyor. (G. S. 164, § 18.)

SEC. 7390. *Surveyor may appoint deputy—deputy to take oath.*—Deputies may be appointed by any surveyor, who, before they proceed to discharge their duties, shall take an oath well, truly and faithfully to discharge the duties of deputy surveyors. (G. S. 164, § 19.)

SEC. 7391. *County courts may obtain copies of field notes of public surveys.*—The several county courts in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the surveyor general of the United States, at St. Louis, or from the register of any land office in the land district in which such courts are held, a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines; the same to be filed in the office of the county surveyor of their counties, respectively. (G. S. 164, § 20.)

SEC. 7392. *When copies obtained, expenses to be paid, how.*—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in the preceding section, the county court may make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed as provided in the next preceding section: provided, however, that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor. (G. S. 164, § 21.)

SEC. 7393. *Copies of such copy to be evidence, when.*—In all cases where such copies are filed, a copy of such copies, certified by the county surveyor, shall be evidence in all cases where the same is drawn in question in any judicial proceedings. (G. S. 164, § 22.)

SEC. 7394. *Duty of surveyor in subdividing a section of land into halves.*—In subdividing a section of land in halves, it shall be the duty of county surveyors to commence at the point of one of the quarter section corners required, and run a random line thence, in the direction of the opposite corner, to a point at right angles therefrom, note the fallings, and then correct by running a true line from corner to corner. (G. S. 165, § 23.)

SEC. 7395. *When subdivided into quarters.*—In subdividing a section of land into quarters, it shall be required to commence at any one of the requisite quarter section corners, and run thence in the direction of the opposite corner, and, at forty chains, set a temporary post; then continue the line to said opposite corner, or to a point at right angles therefrom, note the fallings and length of the line; then proceed to run a random line through the section to be quartered, in a transverse direction from the first line run, and in the same manner as there directed; then, from the temporary post set at forty chains on the random lines, proceed to find the point of intersection of the true lines, by making the necessary offsets therefrom, which point of intersection shall be established as the true and legal center corner of the section; then correct, by running true lines from the center to the quarter section corners, or *vice versa*, as best suits the convenience of the surveyor. (G. S. 166, § 24—b.)

SEC. 7396. *When subdivided into eighths.*—In subdividing a section of land into eighths, it shall be required: First, to proceed to find the center of the section, as directed in the last preceding section; in addition to which it shall be required, in running the random line across the end of the eighth subdivision to be surveyed, to set a temporary post at twenty chains from the quarter section corner; then, from said temporary post set at twenty chains, proceed to find the medium point on the lines between the center and the quarter section corners, which point shall be the true and legal inside corner to the eighth subdivision to be surveyed; second, run a random line between the section and quarter section corners across the end of the eighth subdivision to be surveyed; at twenty chains set a temporary post; then continue the random line to the corner, note the falling therefrom and the length of the line; then, from the temporary post at twenty chains, proceed to find the medium point on the line between the section and the quarter section corners, which point shall be the true and legal corner; then proceed to run true lines from corner to corner, around the eighth subdivision to be surveyed. (G. S. 165, § 25.)

SEC. 7397. *When subdivided into sixteenths.*—In subdividing a section of land into sixteenths, it shall be required: First, to ascertain the center corner of the section, as directed in section seven thousand three hundred and ninety-five; second, to find the medium points on the lines between corners on the four sides of the quarter section to be quartered; third, from said medium points, run random lines through the quarter section each way, and then proceed, in the manner pointed out in section seven thousand three hundred and ninety-five, to subdivide a section into quarters. (G. S. 165, § 26.)

SEC. 7398. *Blank quarter section corners, how established.*—The blank quarter section corners on the west side of fractional sections six, seven, eighteen, nineteen, thirty and thirty-one, are required to be established the same distance north or south of the quarter section corners, to sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, as the corresponding fractional section corners south thereof are north or south of the section corners above named. (G. S. 165, § 27.)

SEC. 7399. *Id. On north side of fractional corner.*—The blank quarter section corners on the north side of fractional sections one, two, three, four, five and six, are required to be established the same distance,

(b) Where a surveyor makes a new line by courses and distances, his plats and field notes must show the magnetic variation from the meridian; but in establishing the old quarter section corners and in establishing center corners, upon the open lines, the surveyor need not ascertain magnetic variation. 47 Mo. 337.

after taking into consideration the length of the south boundaries thereof, as established by the deputy United States surveyor, east or west of the quarter section corners, to sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, as the corresponding fractional section corners east thereof are east or west of the section corners above named. (G. S. 165, § 28.)

SEC. 7400. *Subdivision of sections made fractional by claims, etc.*—In subdividing a section made fractional by claims, grants, navigable water courses, lakes, impenetrable swamps or state lines, it shall be required to run parallel to the east and south boundaries thereof, excepting when there exist opposite quarter section corners, when it shall be required to run random lines, and correct by running true lines, in the manner heretofore directed: provided, however, when there are no east and south boundaries it shall be legal to run parallel to the north and west boundaries thereof. (G. S. 166, § 29—c.)

SEC. 7401. *Fractional sections continued.*—In subdividing fractional sections it shall be required to divide the excess or deficiency in length of lines, over or under the original length of the lines so surveyed by the deputy United States surveyor, in due proportion among the several subdivisions. (G. S. 166, § 30.)

SEC. 7402. *Destroyed quarter section corners, how established.*—In establishing decayed or destroyed quarter section corners, it shall be required to ascertain the medium point on the line between the two adjacent section corners, and re-establish such decayed or destroyed corners at said medium point. (G. S. 166, § 31—d.)

SEC. 7403. *Decayed or destroyed section corners, how established.*—In establishing decayed or destroyed section corners it shall be legal: First, to re-establish such decayed or destroyed corners at the point of intersection of the original marked section lines; if said point cannot be satisfactorily obtained by this mode, it shall be legal, second, to commence at any two section corners in transverse directions from the corner sought, and run random lines in the direction thereof to the quarter section corners; note the falling therefrom; then, adjusting the compass to the true course of said lines, respectively, continue the true course of said lines, and establish the corner sought at the point of intersection thereof; third, when several adjacent corners are decayed, it shall be legal to commence at any two of the nearest township, section or quarter section corners, to the corner sought, and in transverse directions therefrom, and run in the direction thereof, on the general course of lines in the township in which the survey is to be made, until the lines intersect, always, however, taking into consideration the fallings of the east and west lines, which point of intersection shall be the legal corner. (G. S. 166, § 32—e.)

SEC. 7404. *Corners, how perpetuated.*—For the purpose of perpetuating corners, every surveyor shall be required to establish his corners by taking bearing trees, and noting particularly the kind, diameter, course and distance; and when there are no trees within a reasonable distance, the surveyor shall perpetuate his corner by erecting mounds; and, when practicable, he shall require the person having the survey made to furnish suit-

(c) A section made fractional by a river must, of necessity, have the stream for one of its boundaries. 16 Mo. 121.

(d) Quarter section corners, how ascertained. 57 Mo. 317. This section is not in conflict with the laws of the United States on the same subject. 59 Mo. 121.

(e) This section is not in conflict with the laws of the United States or rules of the land office on the same subject. 59 Mo. 121. But where the regulations of the land department of the United States and the laws of the state conflict, as to locating the boundaries of fractional sections, the former must prevail. 57 Mo. 317; 64 Mo. 491. The corners established by the United States surveyor on public lands, are conclusive as to actual location as to the boundary line of sections and subdivisions thereof, as authorized by law. It cannot be shown that he mistakenly located such corners. 28 Mo. 556.

able stones, and at each and every corner made and established a stone shall be permanently placed in the ground, and in such cases it shall not be necessary to erect mounds. (G. S. 166, § 33.)

SEC. 7405. *Chapter to be construed, how.*—This chapter shall, in no wise, be construed either to affect the legality of surveys heretofore legally made and recorded, or to prevent surveyors from taking advantage of any corners previously legally established. (G. S. 166, § 34.)

SEC. 7406. *Penalty for failure of surveyor to perform duties.*—Any county surveyor who shall fail to perform the duties required of him by this chapter, shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party. (G. S. 166, § 35—f.)

SURETIES.

For the various provisions heretofore collated under this head, see the same title in volume one.

CHAPTER 159.

OF SWINE RUNNING AT LARGE.

SECTION	SECTION
7407. Swine to be restrained from running at large, when.	7414. Appraisers may be appointed to assess damages and appraise swine, when.
7408. County court shall submit to voters the question of restraining swine, etc., when.	7415. Oath and duty of appraisers—owner may take swine, when—may demand appraised value, when.
7409. Special election shall be ordered, when—proposition may be submitted, how often.	7416. Fees of officers and appraisers—amount of, and by whom paid.
7410. Form of ballot—election, how governed.	7417. When owner of swine taken up is unknown, what proceedings shall be had.
7411. County clerk to enter result of election on court record, when—shall give notice when swine not to run at large, when.	7418. The want of fence cannot be set up against an action under this chapter, when.
7412. Liability of owner—damages, how recovered.	7419. This chapter construed.
7413. Swine may be taken up when found running at large—proceedings.	

SEC. 7407. *Swine to be restrained from running at large, when.*—The legal voters of any county in this state shall have the right, at any general election, or at any special election called for the purpose, to vote to restrain swine from running at large in such county, and if a majority of votes cast at any such election shall be for restraining swine from running at large, then swine shall not be allowed to run at large in such county. (Laws 1879, p. 158, § 1.)

SEC. 7408. *County court shall submit to voters the question of restraining swine, etc., when.*—Upon petition of one hundred freeholders of any county in this state, asking for the same, the county court shall submit to the qualified voters of such county [at a] general or special election, as prescribed in this chapter, the question of restraining swine from running at large in such county; and the county court shall cause notice to be given that such vote will be taken, by publishing notice of the same in a newspaper pub-

(f) A lot surveyed according to calls for boundaries, rejecting the call for quantity, so far as it was repugnant to the calls for boundaries, is correct. 36 Mo. 620. For United States survey of common field lots, under the act of June 13, 1812, see 50 Mo. 60. For confirmation under the act of March 3, 1807, see 25 Mo. 484; 30 Mo. 202. A survey of commons, if accepted at all, must be accepted as an entirety; it cannot be accepted in part and rejected in part, 29 Mo. 527. When two surveys conflict, the proper locality must be determined by the history of both claims. 15 Mo. 80.

7820  
1887  
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# LAWSON OF MISSOURI,

PASSED AT THE SESSION OF THE



# THIRTY-FOURTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON,

WEDNESDAY, JANUARY 5, 1887.

(REGULAR SESSION.)

BY AUTHORITY.



JEFFERSON CITY, MO.:  
TRIBUNE PRINTING COMPANY, STATE PRINTERS AND BINDERS.  
1887.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. It shall be the duty of every owner, operator, manager or lessee of any mine, factory, warehouse, elevator, foundry or machine shop, or other manufacturing establishment doing business and incorporated under the laws of this state, to report annually on the first day of October, to the commissioner of the bureau of statistics of labor, the name of firm or corporation, where located, the class and value of goods manufactured yearly, the number of weeks in operation, the cost of buildings and grounds, the cost of machinery and repairs, the amount paid yearly for rent, taxes and insurance; the value of raw material used yearly, the total amount of wages paid yearly, the total number of employes, male and female; the total number of skilled and unskilled employes, male and female; and highest and lowest wages paid skilled and unskilled male and female employes, given age of females under fourteen years.

SEC. 2. The commissioner of the bureau of statistics of labor is hereby authorized to furnish suitable blanks to the owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or any other manufacturing establishment, to enable said owner, operator, manager or lessee to intelligently comply with the provisions of section 1 of this act; and any such owner, operator, manager or lessee who shall wilfully neglect or refuse to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars.

[SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.]

Approved March 24, 1887.

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### SURVEYORS: COUNTY—RECORD.

AN ACT to repeal section 7384 of chapter 158 of the Revised Statutes of the state of Missouri for 1879, relating to county surveyors, and enacting a new section in lieu thereof, relating to the same subject, and to be known as section 7384.

SECTION 1. County surveyor to keep a record, etc.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That said section 7384 be and the same is hereby repealed and in lieu thereof enacted a new section relating to the same subject, to be known as section 7384 and to read as follows: Section

7384. The county surveyor of every county or city shall: First, keep a fair and correct record of all surveys made by himself and his deputies in a well bound book, with a convenient index, to be procured at the expense of the country or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the "record of surveys," and every such surveyor shall record in such book a full and complete description of all corners established by him or his deputies within two weeks after the survey has been certified to, and such books shall be preserved by the recorder of deeds the same as the records of conveyances of such county or city and subject to the inspection by any person interested therein, under the supervision of the recorder of deeds for such county or city; second, in surveying town lots he shall give the distances to the points or lines from which he established the lines of the lots, and perpetuates the same by measuring the distances to houses standing in the immediate vicinity, or by prolonging the lines to the curbstones and cut notches therein; third, number his surveys progressively; fourth, he shall note on each plat and in the field notes the magnetic variation which the lines of the survey were run; fifth, deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law, so long as said records shall remain in his possession, and after said records shall have been deposited in the office of the recorder of conveyances, the said recorder shall, on the request of any one and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the original themselves.

Approved March 24, 1887.

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TOWNSHIP ORGANIZATION: APPEALS FROM TOWNSHIP BOARD.

AN ACT to regulate appeals to the circuit court from township boards.

SECTION 1. Township board may be compelled to allow appeal, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. In all counties in this state that have adopted or that may hereafter adopt township organization, if any township board, clerk or other officer thereof fail to allow an appeal in the cause when the same ought to be allowed, or if by absence, sickness or any other cause on his part, an appeal cannot be taken within time, the circuit court, or other court having jurisdiction of such appeal, or judge



# REVISED STATUTES

OF THE

STATE OF MISSOURI.

1899.

VOLUME THREE

CHAPTER 164.

SURVEYORS.

- SECTION**
- 10176. Surveyor to be elected, when—term of office.
  - 10177. Election, how certified.
  - 10178. Oath of office and bond.
  - 10179. Failure to give bond, office to become vacant.
  - 10180. Bond, by whom taken—by whom approved.
  - 10181. Bond to be valid until rejected.
  - 10182. If bond rejected, new one to be given—If not given, office vacant.
  - 10183. Bond to be recorded.
  - 10184. Surveyor to execute orders of the court.
  - 10185. Duty to make survey when required.
  - 10186. What survey shall be legal evidence.
  - 10187. When surveyor interested, survey, how made.
  - 10188. Surveyor to keep a record.
  - 10189. Lands, divided by county lines, by whom surveyed.
  - 10190. Court may order land in dispute surveyed, when and by whom.
  - 10191. Chainmen, etc., to take oath—surveyor, etc., may administer oath.
  - 10192. Compensation of chainmen, etc.
  - 10193. Chainmen, etc., may be provided, by whom.

- SECTION**
- 10194. Surveyor may appoint deputy—deputy to take oath.
  - 10195. County court may obtain copies of field notes of public surveys.
  - 10196. When copies obtained, expenses to be paid, how.
  - 10197. Copies of such copies to be evidence, when.
  - 10198. Duty of surveyor in subdividing a section of land into halves.
  - 10199. When subdivided into quarters.
  - 10200. When subdivided into eighths.
  - 10201. When subdivided into sixteenths.
  - 10202. Blank quarter-section corners, how established.
  - 10203. *Id.* On north side of fractional corner.
  - 10204. Subdivision of section made fractional by claims, etc.
  - 10205. Fractional sections continued.
  - 10206. Destroyed quarter-section corners, how established.
  - 10207. Decayed or destroyed section corners, how established.
  - 10208. Corners, how perpetuated.
  - 10209. Chapter to be construed, how.
  - 10210. Penalty for failure of surveyor to perform duties.

**SEC. 10176. Surveyor to be elected, when—term of office.**  
 At the November election in the year 1868, and every four years thereafter, the qualified voters of each county shall elect some suitable person as county surveyor, who shall hold his office for four years, and until his successor is elected, commissioned and qualified. The present incumbents may remain in office until the persons elected at the time aforesaid are duly commissioned and qualified. ( R. S. 1889, § 8302.)

**SEC. 10177. Election, how certified.**—The clerk of the county court shall certify the election of county surveyors in the same manner as other elections of state and county officers, and the person elected shall be commissioned by the governor. ( R. S. 1889, § 8303.)

**SEC. 10178. Oath of office and bond.**—Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county all the records, books and papers appertaining to his office; and it is hereby made the duty of the clerk of the county court to deliver to the recorder of deeds of their respective counties all the books, plats and copies of surveys of any county surveyor, or which may be on file in their respective offices, and take the recorder's receipt for the same. ( R. S. 1889, § 8304—a.)

**SEC. 10179. Failure to give bond, office to become vacant.**  
 If any county surveyor fail to give such bond in the time prescribed in the preceding section, his office shall be vacant. ( R. S. 1889, § 8305.)

**SEC. 10180. Bond, by whom taken—by whom approved.**—Such bond may be taken by the clerk of the county court in vacation; and,

if so taken, shall be approved or rejected by the county court at the next term thereof. (R. S. 1889, § 8306.)

**SEC. 10181. Bond to be valid until rejected.**—Such bond shall be valid until it is rejected, and its rejection shall not release the principal and sureties from any liabilities incurred previous to its rejection. (R. S. 1889, § 8307.)

**SEC. 10182. If bond rejected, new one to be given—if not given, office vacant.**—If such bond be rejected, the county court shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant. (R. S. 1889, § 8308.)

**SEC. 10183. Bond to be recorded.**—If such bond be approved, it shall, with the approval indorsed thereon, be recorded, at the expense of the county surveyor, in the recorder's office of the county. (R. S. 1889, § 8309.)

**SEC. 10184. Surveyor to execute orders of court.**—The county surveyor shall execute all orders to him directed by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate. (R. S. 1889, § 8310.)

**SEC. 10185. Duty to make survey when required, etc.**—The county surveyor shall, within ten days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same, provided that his legal fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey. (R. S. 1889, § 8311—b.)

**SEC. 10186. What survey shall be legal evidence.**—No survey or resurvey, hereafter made by any person, except that of the county surveyor or his deputy, shall be considered legal evidence in any court in this state, except such surveys as are made by the authority of the United States or by mutual consent of the parties. (R. S. 1889, § 8312—c.)

**SEC. 10187. When surveyor interested, survey, how made.** When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some capable person, who is in nowise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services the same fees that the county surveyor would do for similar service. (R. S. 1889, § 8313.)

**SEC. 10188. Surveyor to keep a record.**—The county surveyor of every county or city shall: First, keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the "record of surveys," and every such surveyor shall record in such book a full and complete description of all corners established by him or his deputies, within two weeks after the survey has been certified to, and such books shall be preserved by the recorder of deeds the same as the records of conveyances of such county or city and subject to inspection by any person interested therein, under the supervision of the recorder of deeds for such county or city; second, in surveying town lots, he shall give the distances to the points or lines from which he established the lines of the lots, and perpetuate the same by measuring the dis-

(b) 45 A. 365.

(c) Effect of surveys. What evidence of, etc. 145 Mo. 411; 139 Mo. 238; 68 Mo. 84; 39 Mo. 586; 15 Mo. 80; 45 A. 365.

tances to houses standing in the immediate vicinity, or by prolonging the lines to the curbstones and cut notches therein; third, number his surveys progressively; fourth, he shall note on each plat and in the field notes the magnetic variation under which the lines of the survey were run; fifth, deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law, so long as said records shall remain in his possession, and after said records shall have been deposited in the office of the recorder of conveyances, the said recorder shall, on the request of any one and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the originals themselves. (R. S. 1889, § 8314—d.)

**SEC. 10189. Lands divided by county lines, by whom surveyed.**—In case any person own or claim lands where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate; and, on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county. (R. S. 1889, § 8315.)

**SEC. 10190. Court may order land in dispute surveyed, when—by whom.**—When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such land is situate. (R. S. 1889, § 8316.)

**SEC. 10191. Chainmen, etc., to take oath—surveyor, etc., may administer oath.**—Each chainman and marker employed by the county surveyor or his deputy shall, before he commences the duty assigned him, take an oath or affirmation faithfully and impartially to execute the duties of chainman or marker, as the case may be, which oath or affirmation the county surveyor or his deputy is authorized and required to administer. (R. S. 1889, § 8317.)

**SEC. 10192. Compensation of chainmen, etc.**—Each chainman and marker shall be allowed two dollars for each day he is actually employed, which shall be paid by the party at whose request the survey is made. (R. S. 1889, § 8318.)

**SEC. 10193. Chainmen, etc., may be provided by whom.**—The chainmen and markers may be provided by the party requesting the survey, if approved by the surveyor. (R. S. 1889, § 8319.)

**SEC. 10194. Surveyor may appoint deputy—deputy to take oath.**—Deputies may be appointed by any surveyor who, before they proceed to discharge their duties, shall take an oath well, truly and faithfully to discharge the duties of deputy surveyors. (R. S. 1889, § 8320—e.)

**SEC. 10195. County courts may obtain copies of field notes of public surveys.**—The several county courts in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the surveyor-general of the United States, at St. Louis, or from the register of any land office in the land district in which such courts are held, a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west town-

(d) 139 Mo. 238; 47 Mo. 337.

(e) 139 Mo. 238.

ship and sectional lines—the same to be filed in the office of the county surveyor of their counties, respectively. (R. S. 1889, § 8321.)

**SEC. 10196. When copies obtained, expenses to be paid, how.**—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in the preceding section, the county court may make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed as provided in the next preceding section: *Provided, however*, that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor. (R. S. 1889, § 8322.)

**SEC. 10197. Copies of such copy to be evidence, when.**—In all cases where such copies are filed, a copy of such copies, certified by the county surveyor, shall be evidence in all cases where the same is drawn in question in any judicial proceedings. (R. S. 1889, § 8323.)

**SEC. 10198. Duty of surveyor in subdividing a section of land into halves.**—In subdividing a section of land into halves, it shall be the duty of county surveyors to commence at the point of one of the quarter-section corners required, and run a random line thence in the direction of the opposite corner, to a point at right-angles therefrom, note the fallings, and then correct by running a true line from corner to corner. (R. S. 1889, § 8324.)

**SEC. 10199. When subdivided into quarters.**—In subdividing a section of land into eighths, it shall be required: First, to proceed to find the requisite quarter-section corners, and run thence in the direction of the opposite corner, and, at forty chains, set a temporary post; then continue the line to said opposite corner, or to a point at right angles therefrom, note the fallings and length of the line; then proceed to run a random line through the section to be quartered, in a transverse direction from the first line run, and in the same manner as there directed; then, from the temporary post set at forty chains on the random lines, proceed to find the point of intersection of the true lines, by making the necessary offsets therefrom, which point of intersection shall be established as the true and legal center corner of the section; then correct, by running true lines from the center to the quarter-section corners, or *vice versa*, as best suits the convenience of the surveyor. (R. S. 1889, § 8325—f.)

**SEC. 10200. When subdivided into eighths.**—In subdividing a section of land into eighths, it shall be required: First, to proceed to find the center of the section, as directed in the last preceding section; in addition to which it shall be required, in running the random line across the end of the eighth subdivision to be surveyed, to set a temporary post at twenty chains from the quarter-section corner; then, from said temporary post set at twenty chains, proceed to find the medium point on the lines between the center and the quarter-section corners, which point shall be the true and legal inside corner to the eighth subdivision to be surveyed; second, run a random line between the section and quarter-section corners across the end of the eighth subdivision to be surveyed; at twenty chains set a temporary post, then continue the random line to the corner, note the falling therefrom and the length of the line; then, from the temporary post at twenty chains, proceed to find the medium point on the line between the section and the quarter-section corners, which point shall be the true and legal corner; then proceed to run true lines from corner to corner, around the eighth subdivision to be surveyed. (R. S. 1889, § 8326.)

**SEC. 10201. When subdivided into sixteenths.**—In subdividing a section of land into sixteenths, it shall be required: First, to ascertain the center corner of the section, as directed in section 10199; second, to find

the medium points on the lines between the corners of the four sides of the quarter-section to be quartered; third, from said medium points, run random lines through the quarter section each way, and then proceed, in the manner pointed out in section 10199, to subdivide a section into quarters. (R. S. 1889, § 8327.)

**SEC. 10202. Blank quarter-section corners, how established.**

The blank quarter-section corners on the west side of fractional sections six, seven, eighteen, nineteen, thirty and thirty-one are required to be established the same distance north or south of the quarter-section corners, to sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, as the corresponding fractional section corners south thereof are north or south of the section corners above named. (R. S. 1889, § 8328—g.)

**SEC. 10203. *Id.* On north side of fractional corner.**—The blank quarter-section corners on the north side of fractional sections one, two three, four, five and six are required to be established the same distance, after taking into consideration the length of the south boundaries thereof, as established by the deputy United States surveyor, east or west of the quarter-section corners, to sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, and the corresponding fractional section corners east thereof are east or west of the section corners above named. (R. S. 1889, § 8329.)

**SEC. 10204. Subdivision of sections made fractional by claims, etc.**—In subdividing a section made fractional by claims, grants, navigable water-courses, lakes, impenetrable swamps or state lines, it shall be required to run parallel to the east and south boundaries thereof, excepting when there exist opposite quarter section corners, when it shall be required to run random lines, and correct by running true lines, in the manner heretofore directed: *Provided, however,* when there are no east and south boundaries it shall be legal to run parallel to the north and west boundaries thereof. (R. S. 1889, § 8330—h.)

**SEC. 10205. Fractional sections continued.**—In subdividing fractional sections, it shall be required to divide the excess or deficiency in length of lines over or under the original length of the lines so surveyed by the deputy United States surveyor, in due proportion among the several subdivisions. (R. S. 1889, § 8331—i.)

**SEC. 10206. Destroyed quarter-section corners, how established.**—In establishing decayed or destroyed quarter-section corners, it shall be required to ascertain the medium point on the line between the two adjacent section corners, and re-establish such decayed or destroyed corners at said medium point. (R. S. 1889, § 8332—j.)

**SEC. 10207. Decayed or destroyed section corners, how established.**—In establishing decayed or destroyed section corners, it shall be legal: First, to re-establish such decayed or destroyed corners at the point of intersection of the original marked section lines; if said point cannot be satisfactorily obtained by this mode, it shall be legal; second, to commence at any two section corners in transverse directions from the corner sought, and run random lines in the direction thereof to the quarter-section corners; note the falling therefrom; then, adjusting the compass to the true course of said lines, respectively, continue the true course of said lines, and establish the corner sought at the point of intersection thereof; third, when several adjacent corners are decayed, it shall be legal to commence at any two of the nearest township, section or quarter-section corners to the corner sought, and in transverse directions therefrom, and run

(g) 111 Mo. 404.

(h) 111 Mo. 404; 16 Mo. 124.

(i) 64 Mo. 491; 57 Mo. 317.

(j) 80 Mo. 13; 79 Mo. 35; 64 Mo. 491; 59 Mo. 121; 57 Mo. 317; 47 Mo. 337.

in the direction thereof, on the general course of lines in the township in which the survey is to be made, until the lines intersect, always, however, taking into consideration the fallings of the east and west lines, which point of intersection shall be the legal corner. (R. S. 1889, § 8333—k.)

**SEC. 10208. Corners, how perpetuated.**—For the purpose of perpetuating corners, every surveyor shall be required to establish his corners by taking bearing trees, and noting particularly the kind, diameter, course and distance; and when there are no trees within a reasonable distance, the surveyor shall perpetuate his corner by erecting mounds; and when practicable, he shall require the person having the survey made to furnish suitable stones, and at each and every corner made and established a stone shall be permanently placed in the ground, and in such cases it shall not be necessary to erect mounds. (R. S. 1889, § 8334.)

**SEC. 10209. Chapter to be construed, how.**—This chapter shall in nowise be construed either to affect the legality of surveys heretofore legally made and recorded, or to prevent surveyors from taking advantage of any corners previously legally established. (R. S. 1889, § 8335.)

**SEC. 10210. Penalty for failure of surveyor to perform duties.**—Any county surveyor who shall fail to perform the duties required of him by this chapter shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party. (R. S. 1889, § 8336.)

## CHAPTER 165.

### SURVEYS, UNITED STATES GEODETIC.

#### SECTION

- 10211. Surveyors may enter on lands.
- 10212. Damages, how ascertained.
- 10213. Costs, how adjusted.
- 10214. Rules for allowing costs.

#### SECTION

- 10215. Penalty for injuring property of United States.
- 10216. Appeals.

**SEC. 10211. Surveyors may enter on lands.**—Persons employed under an act of congress of the United States, passed the tenth day of February, 1807, and the supplement thereto, may, upon making satisfactory amends, enter upon lands within this state for any purpose which may be necessary to effect the object of said act, and may erect works, stations, buildings or appendages for that purpose, doing no unnecessary injury. (R. S. 1889, § 8337.)

**SEC. 10212. Damages, how ascertained.**—If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either of them may petition the county court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least fourteen days' notice to be given to all persons interested, and, with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages. (R. S. 1889, § 8338.)

**SEC. 10213. Costs, how adjusted.**—The person so entering upon land may tender to the party injured amends therefor, and if, in case of appeal to the county court, the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the prevailing party shall recover costs. (R. S. 1889, § 8339.)

# LAWS OF MISSOURI



PASSED AT THE SESSION OF THE

## FORTY-SECOND GENERAL ASSEMBLY

BEGUN AND HELD AT THE

## CITY OF JEFFERSON

WEDNESDAY, JANUARY 7, 1903.

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[BY AUTHORITY]



JEFFERSON CITY, MO.:  
TRIBUNE PRINTING COMPANY, STATE PRINTERS AND BINDERS.



by him in necessary hotel and traveling expenses while engaged in attending any regular, special or adjourned term of court at any place in the circuit in which he is appointed such official stenographer, or other than the place of his residence therein, or while engaged in going to and from any such place for the purposes of attending such terms of court: Provided however, that said necessary hotel and traveling expenses shall be limited to the sum of two dollars per day, and such sums of money for said expenses shall be paid out of the county treasury of the county in which said term of court shall be held in the same manner that the per diem of official stenographers in counties having 45,000 inhabitants or less are now paid by law; but such necessary expenses shall include nothing except actual traveling fare and not more than two dollars each day for board and lodging, and no money shall be paid from the treasury of any county under the provisions of this section until the judge of the circuit or criminal court of said county shall approve an itemized account showing all such actual expenses incurred by said official stenographer.

Approved April 17, 1903.

[H. B. 206.]

## SURVEYORS.

AN ACT to amend chapter 164 of the Revised Statutes of Missouri, 1899, relating to surveyors, by adding a new section thereto, between sections 10209 and 10210, to be known as section 10209a.

SECTION 1. Duty of surveyor to report destruction of land marks.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That chapter 164 of the Revised Statutes of Missouri of 1899, be and the same is hereby amended by inserting a new section between sections 10209 and 10210, to be known as section 10209a, to read as follows:

Section 10209a. It shall be the duty of every county surveyor and every deputy county surveyor to report as soon as practicable all violations of law relative to the destruction of land marks that come under their observation, or of which they have knowledge to the grand jury or to the prosecuting attorney of the county in which the violation occurs.

Approved March 21, 1903.

[H. B. 158.]

## TOWNSHIP ORGANIZATION: ADOPTION OF.

AN ACT to amend section 10228 of article 1, chapter 168 of the Revised Statutes of 1899, relating to "Township organization."

SECTION 1. Organization to go into effect, when.

# LAWS OF MISSOURI

PASSED AT THE REGULAR AND EXTRA SESSIONS

OF THE

## Forty-fourth General Assembly

REGULAR SESSION BEGUN AND HELD  
WEDNESDAY, JANUARY 2, 1907.

EXTRA SESSION BEGUN AND HELD  
TUESDAY, APRIL 9, 1907.

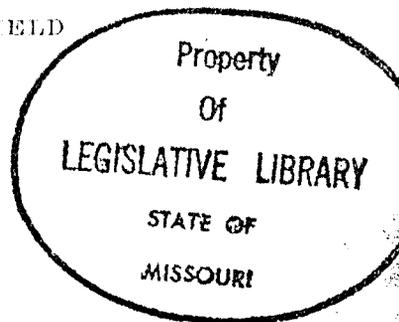
AT THE

### CITY OF JEFFERSON

[BY AUTHORITY.]



**THE HUGH STEPHENS PRINTING COMPANY,**  
JEFFERSON CITY, MO.



mission, and accompanied by the charts, maps, plates, profiles, field notes and explanatory notes, as above provided, and shall draw his warrant on the state treasurer for the amount allowed.

SEC. 10. All charts, maps, plates, profiles, field notes and explanatory notes of the survey, accompanying accounts forwarded to the state auditor, shall be deposited by the auditor in the office of the secretary of state.

SEC. 11. Upon the completion of the survey, the commission shall cause a complete map of the same, in duplicate, to be made, accompanied by explanatory notes attached to each copy, one copy of which shall be filed in the office of the secretary of state and the other presented to the general assembly of the state of Missouri at the first session thereof held after the completion of said work, with a report of the expenses incurred and the work accomplished by the commission.

SEC. 12. The commission may employ an attorney-at-law to advise said commission in the matter of handling said work with the state of Arkansas, and in presenting any matters to the proper officers of the United States government, or to the proper committee or committees of the congress of the United States in order to get any assistance or legislation that may be found to be necessary to properly carry out the work contemplated by this act. And said commission shall also report and recommend to the general assembly, at the time of filing their report, such legislation as the joint commission, in its judgment may think will afford practicable relief. The compensation allowed for attorney's fees shall be fixed, allowed and paid the same as for services of engineers and other employes, except that it shall not be necessary for the engineer to approve the account.

SEC. 13. There is hereby appropriated, out of any money in the state treasury and not otherwise appropriated, chargeable to the revenue fund, the sum of seventy-five hundred dollars for the payment of the per diem and expenses of the commissioners, the salaries of the employes of the commission and the incidental expenses incurred in the prosecution of the work contemplated by this act, including the expense of printing any report of said commission.

Approved March 19, 1907.

[H. B. 235.]

## SURVEYOR, COUNTY.

AN ACT to amend section 10196 of chapter 164, Revised Statutes of Missouri of 1899, relating to surveyors.

SECTION 1. Field notes—when to be paid for by county court—charges by surveyor for additional notes.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

[SECTION 1.] That section 10196 of chapter 164, Revised Statutes of Missouri, be and the same is hereby amended by strik-

ing out of said section the word "may," in the fourth line of said section, and inserting in lieu thereof the word "shall;" so that [said section when] so amended shall read as follows:

Section 10196. When copies obtained, expenses to be paid, how.—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in the preceding section, the county court shall make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed as provided in the next preceding section: Provided, however, that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor.

Approved March 6, 1907.

[H. B. 565.]

## SURVEYORS, COUNTY.

AN ACT to amend an act entitled "An act to provide for the compensation of county surveyors in counties of this state having a population of fifty thousand inhabitants and more," by adding to chapter 164 of Revised Statutes, 1899, of Missouri, entitled "Surveyors," a section, to be known and designated as section 10210a.

### SECTION 1. Charges allowed in certain counties.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The following section, to be known and designated as section 10210a, is hereby added to chapter 164 of the Revised Statutes, 1899, of Missouri, to wit:

Section 10210a. In counties of this state having fifty thousand (50,000) inhabitants, or more, the county surveyor(s) may charge for his services as such, a sum not exceeding twenty (\$20.00) dollars per day, for each day necessarily employed in making any survey, or such other sum not exceeding said sum, as may be agreed upon by such surveyor and the person employing him. For said sum, or such as may be agreed upon less than said sum, the surveyor shall employ, and out of said sum or agreed sum, pay for the services of the necessary chainmen, rodmen and markers. For said sum or agreed sum, the said surveyor shall furnish to the person employing him, a plat and field notes of the survey made by him, and shall also record said plat and field notes, as now provided by law: Provided, that the provisions of this act shall only apply to counties adjoining cities containing 300,000 or more inhabitants.

Approved March 20, 1907.

# LAWS *of* MISSOURI

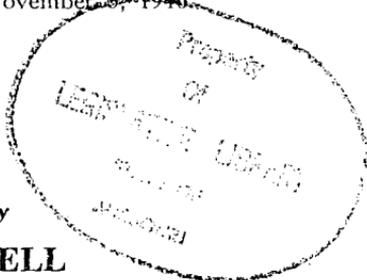
Passed at the Session of the

## Sixty-third General Assembly

Which Convened at the City of  
Jefferson, Wednesday, January 3, 1945,  
and adjourned Thursday, December 12,  
1946.



Also Vote on Adoption or Rejection of Proposed Constitution of the State of Missouri at a Special Election Held February 27, 1945; Vote on Amendments Nos. 1 and 2, as Voted upon at General Election Held November 7, 1944; and Vote on Amendment No. 1, as Voted upon at the General Election Held November 5, 1946.



*Compiled by*

**WILSON BELL**

Secretary of State

In Compliance with Section 665, Revised Statutes of Missouri, 1939, as Revised by Senate Bill No. 461, Approved March 30, 1946.

[H. B. 781.]

**SALARIES AND FEES: Providing for the compensation of county treasurers in fourth-class counties.**

AN ACT to provide for the compensation of county treasurers in counties of the fourth class.

**SECTION 1. Monthly salary determined by population of county.***Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Monthly salary determined by population of county.**—The county treasurers in counties of the fourth class of this State shall receive for their services annually, to be paid out of the county treasury in equal monthly installments at the end of each month by a warrant drawn by the county court upon the county treasury, the following sums: In counties having 10,000 inhabitants or less, the sum of \$1,200; in counties having more than 10,000 inhabitants and not more than 12,500, the sum of \$1,500; in counties having more than 12,500 inhabitants and not more than 15,000, the sum of \$1,800; and in counties having more than 15,000 inhabitants, the sum of \$2,200; *provided*, salaries set out and prescribed in this section shall be in lieu of any other or additional salaries, fees, commissions or emoluments of whatsoever kind for county treasurers in all counties of this state to which this section, by its terms, applies, the provisions of any other statute of this state to the contrary notwithstanding.

Approved March 7, 1946.

[H. B. 805.]

**SALARIES AND FEES: Providing for the compensation of county surveyors in third-class counties.**

AN ACT to provide for the compensation of county surveyors in counties of the third class.

**SECTION 1. Fees.***Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Fees.**—County surveyors in counties of the third class shall be allowed fees for their services as follows: For calculating the quantity of land in each survey, when called upon by any party, the sum of thirty cents for each distance contained in the boundary of said survey.

For every survey actually made.....	\$3.00
And the further sum of one cent for every chain lineal measure above one hundred chains.	
For calculating the quantity of each division made in a tract of land, town lots excepted.....	1.50
For making each plat.....	.80
For recording a plat and certificate.....	1.00
For every copy of a plat and certificate.....	1.00

For traveling to the place of survey and returning, for every mile . . . . .	\$ .08
For ascertaining and planting each corner, under article 7, chapter on "Evidence" . . . . .	2.00
For recording each certificate under article 6, chapter on "Evidence" . . . . .	2.00
For each day's attendance as a witness under article 6, chapter on "Evidence" . . . . .	3.00
For delivering depositions to the recorder under article 6, chapter on "Evidence" . . . . .	.70
For each day actually engaged in serving as a member of the county board of equalization . . . . .	5.00

Approved March 7, 1946.

[H. B. 806.]

**SALARIES AND FEES: Providing for the compensation of county surveyors in fourth-class counties.**

AN ACT to provide for the compensation of county surveyors in counties of the fourth class.

SECTION 1. Fees.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Fees.**—County surveyors in counties of the fourth class shall be allowed fees for their services as follows: For calculating the quantity of land in each survey, when called upon by any party, the sum of thirty cents for each distance contained in the boundary of said survey.

For every survey actually made . . . . .	\$3.00
And for the further sum of one cent for every chain lineal measure above one hundred chains.	
For calculating the quantity of each division made in a tract of land, town lots excepted . . . . .	1.50
For making each plat . . . . .	.80
For recording a plat and certificate . . . . .	1.00
For every copy of a plat and certificate . . . . .	1.00
For traveling to the place of survey and returning, for every mile . . . . .	.08
For ascertaining and planting each corner, under article 7, chapter on "Evidence" . . . . .	2.00
For recording each certificate under article 6, chapter on "Evidence" . . . . .	2.00
For each day's attendance as a witness under article 6, chapter on "Evidence" . . . . .	3.00
For delivering depositions to the recorder under article 6, chapter on "Evidence" . . . . .	.70
For each day actually engaged in serving as a member of the county board of equalization . . . . .	5.00

Approved March 7, 1946.

food, the number of days each has been so furnished by him, and all expenses incurred for that month in providing and causing to be furnished food to such prisoners, showing name, amount, and exact costs of each article of food, voucher therefor, with the names of persons from whom purchased, without any bonus or rebate or profit either to the sheriff or any intermediary whomsoever, instigated or created by the sheriff.

**Section 15. Payment of claims.**—It shall be the duty of the person, persons, or firms, for whom the sheriff purchases any articles of food for the prisoners in the county jail, to file with the county court at the end of the month during which such purchase or purchases shall have been made, a written claim for payment, showing the articles of food and the quantity thereof purchased by the sheriff, the date or dates of such purchases, and the prices charged therefor, without any bonus, rebate or profit either to the sheriff or any intermediary whomsoever, instigated or created by the sheriff. The county court shall, if satisfied that such claim is correct, allow and cause to be issued a warrant upon the county treasury, to said claimant, for the exact amount of the purchase price of said articles.

**Section 16. Penalty for violation of law.**—Any sheriff or deputy sheriff who shall violate or fail to comply with the provisions of this act applicable to him, shall be subject to removal from office, to prosecution for a misdemeanor in office, and to such other penalties as may be prescribed by law. If any sheriff shall fail to pay to the county treasurer, as in this act provided, any money from any source whatsoever collected by him and which he is not entitled to withhold, he shall forfeit to the county a sum double the amount unlawfully withheld, and be subject to such other penalties as may be provided for by law.

Approved April 11, 1946.

[H. B. 950.]

**SALARIES AND FEES: Relating to the fees of the county surveyor.**

AN ACT to repeal Section 13425, Article 2, Chapter 99, of the Revised Statutes of Missouri, 1939, relating to the fees of the county surveyor, and to enact one new section in lieu thereof relating to the county surveyor, his compensation, duties and the employment and compensation of his assistants, in counties of the second class.

**SECTION**

1. Repealing and re-enacting Section 13425, Article 2, Chapter 99, Revised Statutes of Missouri, 1939.

**SECTION**

2. County surveyor in second-class counties may charge for services—information to be furnished.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Repealing and re-enacting Section 13425, Article 2, Chapter 99, Revised Statutes of Missouri, 1939.**—That Section 13425, Article 2, Chapter 99, of the Revised Statutes of

Missouri, 1939, relating to the fees of the county surveyor, be and the same is hereby repealed, and one new section enacted in lieu thereof relating to the county surveyor, his compensation, duties, and the employment and compensation of his assistants, in counties of the second class, and to read as follows:

**Section 2. County surveyor in second-class counties may charge for services—information to be furnished.**—In counties of the second class, the county surveyor may charge for his services such a sum as may be agreed upon by such surveyor and the person employing him. For said sum, the surveyor shall employ and pay for the services of the necessary chainmen, rodmen and markers. For said sum, the surveyor shall furnish to the person employing him, a plat and field notes of the survey made by him, and shall also record said plat and field notes, as provided by law.

Approved April 11, 1946.

[H. B. 955.]

**SALARIES AND FEES: Relating to the furnishing of a bond by county officers.**

AN ACT to repeal Section 13535, Article 9, Chapter 99, Revised Statutes of Missouri, 1939, relating to the furnishing of a bond by county officers, the cost thereof to be paid by the county in counties containing a population of 200,000 to 400,000 inhabitants, and to enact in lieu thereof one new section to be known as Section 2, relating to the same subject matter in counties of class one.

**SECTION**

1. Repealing Section 13535, Article 9, Chapter 99, Revised Statutes of Missouri, 1939, and enacting one new section to be numbered Section 2.

**SECTION**

2. To furnish bond.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Repealing Section 13535, Article 9, Chapter 99, Revised Statutes of Missouri, 1939, and enacting one new section to be numbered Section 2.**—That Section 13535, Article 9, Chapter 99, Revised Statutes of Missouri, 1939, relating to the furnishing of a bond by county officers, the cost thereof to be paid by the county in counties containing a population of 200,000 to 400,000 inhabitants, be and the same is hereby repealed and one new section enacted in lieu thereof, relating to the same subject matter in counties of class one, to be known as Section 2 and to read as follows:

**Section 2. To furnish bond.**—In all counties of class one, as provided by law, the officers thereof shall be required to furnish a bond as required by law, the cost thereof to be paid by the county.

Approved May 18, 1946.

Home: *Provided, however,* that any such sale, conveyance, or conversion shall be first approved by the Governor of the State of Missouri.

**Section 2. Emergency.**—Since it is necessary to vest the State of Missouri with the right, title, and interest to such property as is or as may be conveyed to said State and since there is no provision in the present law for the State of Missouri to receive property for the benefit of the Federal Soldiers' Home at St. James, Missouri, an emergency is declared to exist; therefore this Act shall become law from and after its passage and approval.

Approved July 15, 1946.

[H. C. S. H. B. 793.]

**SURVEYORS: Relating to the office of surveyor in certain counties.**

AN ACT to repeal Section 13190 of Chapter 90 of the Revised Statutes of Missouri, 1939, relating to the office of surveyor, and to enact in lieu thereof two new sections to be known as Sections 13190 and 13190a relating to the office of surveyor in counties of classes two, three and four.

**SECTION**

1. Repealing Section 13190, Chapter 90, Revised Statutes of Missouri, 1939, and enacting two new sections numbered 13190 and 13190a.

**SECTION**

13190. Surveyor to be elected in certain counties—term of office.  
13190a. Present county surveyors not affected.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Repealing Section 13190, Chapter 90, Revised Statutes of Missouri, 1939, and enacting two new sections numbered 13190, and 13190a.**—That Section 13190 of Chapter 90 of the Revised Statutes of Missouri, 1939, relating to the office of surveyor, be and the same is hereby repealed and two new sections are enacted in lieu thereof, relating to the same office in counties of classes two, three and four, to be known as Sections 13190 and 13190a and to read as follows:

**Section 13190. Surveyor to be elected in certain counties—term of office.**—At the regular general election in the year 1948, and every four years thereafter, the qualified voters of each county of this state in Classes 2, 3 and 4 shall elect some suitable person as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified.

**Section 13190a. Present county surveyors not affected.**—In all counties of this state the terms of all persons holding the office of county surveyor at the time of the effective date of this act shall not be vacated, or otherwise affected thereby, and all the provisions of law relating to the office of surveyor shall remain in full force and effect for the period of the term of such

persons holding the office of county surveyor at the time of the effective date of this act, unless otherwise provided by law. Otherwise the provisions of this article shall hereafter apply only to counties of Classes 2, 3 and 4.

Approved March 27, 1946.

[H. B. 862.]

**SURVEYORS: Relating to the fees of the surveyor in certain counties.**

AN ACT to repeal Section 13226, Chapter 90, Revised Statutes of Missouri, 1939, relating to the fees of the surveyor in counties having 50,000 inhabitants or more.

SECTION 1. Repealing Section 13226, Chapter 90, Revised Statutes of Missouri, 1939.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Repealing Section 13226, Chapter 90, Revised Statutes of Missouri, 1939.**—That Section 13226, Chapter 90, Revised Statutes of Missouri, 1939, relating to the fees of the surveyor in counties having 50,000 inhabitants or more, be and the same is hereby repealed.

Approved March 15, 1946.

[S. B. 466.]

**TAXATION AND REVENUE: Defining the terms "yield" or "annual yield" as used in any law heretofore enacted imposing a tax upon intangible personal property.**

AN ACT to define the terms "yield" or "annual yield" as used in any law heretofore enacted imposing a tax upon intangible personal property, all pursuant to the provisions of Article 10, Section 4, of the Constitution of Missouri, with an emergency clause.

SECTION

1. Definitions.

SECTION

2. Emergency.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Definitions.**—The terms "yield" or "annual yield" as used in any law heretofore enacted imposing a tax upon intangible personal property pursuant to Article 10, Section 4, of the Constitution of Missouri, shall mean the aggregate proceeds received as a result of ownership or beneficial interest in intangible property whether received in money, credits or property, exclusive of any return of capital, and less the amount of interest required to be credited by the owner thereof, during the preceding calendar year, to reserve liabilities of the owner maintained under the statutes of this state.

**Section 2. Emergency.**—Since under the Constitution it is necessary for the laws constituting the levy of a tax on intangible property in the state to be effective by the 1st day of July,

# REVISED STATUTES

of the  
**STATE OF MISSOURI**

**1949**

Comprising all statute laws of a general and permanent nature, the Constitution of the United States, the Constitution of Missouri, and the Rules of the Missouri Supreme Court.

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*Revised by the Sixty-fifth General Assembly*

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**VOLUME I**

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Property  
of  
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MISSOURI

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Published by authority of Chapter 3, Revised  
Statutes of Missouri, 1949

willfully perform them in any other manner than is required by law, he shall be deemed guilty of a misdemeanor in office, and proceeded against accord-

ingly; and shall, moreover, forfeit and pay to the use of the county a sum not exceeding three hundred dollars, to be recovered by civil action. (13184)

## Chapter 60

### COUNTY SURVEYORS AND SURVEYS

#### COUNTY SURVEYORS

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#### CROSS REFERENCES

- Boundaries of county by watercourse, how construed, RSMo 46.010  
 County board of equalization—county surveyor a member, RSMo 138.010 to 138.080  
 Fees of others collected, duties, RSMo 50.470, 50.480  
 Survey of abandoned lake and river beds and islands in navigable streams, how made, RSMo 241.320  
 Survey of land for taxation purposes, RSMo 137.185

#### COUNTY SURVEYORS

60.010 Surveyor to be elected in certain counties—term.—At the regular general election in the year 1948, and

every four years thereafter, the qualified voters of each county of this state in classes two, three and four shall elect some suitable person as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified. (13190, A. L. 1945 p. 1759)

County highway engineer, class one counties, to perform duties of surveyor, RSMo 61.010

60.020. Election, how certified.—The clerk of the county court shall certify the election of county surveyors in the same manner as other elections of state and county officers, and the person elected shall be commissioned by the governor. (13191)

60.030. Oath—bond—receipt of records.—Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county all the records, books and papers appertaining to his office; and it is hereby made the duty of the clerk of the county court to deliver to the recorder of deeds of their respective counties all the books, plats and copies of surveys of any county surveyor, or which may be on file in their respective offices, and take the recorder's receipt for the same. (13192)

60.040. Failure to give bond, office to become vacant.—If any county surveyor

fail to give such bond in the time prescribed in section 60.030, his office shall be vacant. (13193)

**60.050. Bond, approval.** — Such bond may be taken by the clerk of the county court in vacation; and, if so taken, shall be approved or rejected by the county court at the next term thereof. (13194)

**60.060. Bond valid until rejected.**— Such bond shall be valid until it is rejected, and its rejection shall not release the principal and sureties from any liabilities incurred previous to its rejection. (13195)

**60.070. Rejection of bond.**—If such bond be rejected, the county court shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant. (13196)

**60.080. Bond to be recorded.**—If such bond be approved, it shall, with the approval endorsed thereon, be recorded, at the expense of the county surveyor, in the recorder's office of the county. (13197)

**60.090. Deputies— oaths.** — Deputies may be appointed by any surveyor who, before they proceed to discharge their duties, shall take an oath well, truly and faithfully to discharge the duties of deputy surveyors. (13208)

**60.100. May charge for services (class two counties).**—In counties of the second class, the county surveyor may charge for his services such a sum as may be agreed upon by such surveyor and the person employing him. For said sum, the surveyor shall employ and pay for the services of the necessary chainmen, rodmen and markers. For said sum, the surveyor shall furnish to the person employing him, a plat and field notes of the survey made by him, and shall also record said plat and field notes, as provided by law. (L. 1945 p. 1575 §2)

**60.110. Fees, class three and four counties.**—County surveyors in counties of the third and fourth class shall be allowed fees for their services as follows:

For calculating the quantity of land in each survey, when called upon by any

party, the sum of thirty cents for each distance contained in the boundary of said survey.

For every survey actually made .....	\$3.00
And the further sum of one cent for every chain	
lineal measure above one hundred chains .....	
For calculating the quantity of each division	
made in a tract of land, town lots excepted ..	1.50
For making each plat .....	.80
For recording a plat and certificate .....	1.00
For every copy of a plat and certificate .....	1.00
For traveling to the place of survey and return-	
ing, for every mile .....	.08
For ascertaining and planting each corner .....	2.00
For recording each certificate .....	2.00
For each day's attendance as a witness .....	3.00
For delivering depositions to the recorder .....	.70
For each day actually engaged in serving as a	
member of the county board of equalization ..	5.00

(L. 1945 p. 1541 §1, L. 1945 p. 1542 §1, A. 1949 H. B. 2018)

**SURVEYS**

**60.120. Duty to make survey.**—The county surveyor shall, within ten days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same; provided, that his legal fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey. (13199)

**60.130. Survey, how made when surveyor interested.**—When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some capable person, who is in no-wise interested, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services the same fees that the county surveyor would be entitled to for similar service. (13201)

**60.140. Lands divided by county lines, by whom surveyed.**—In case any person own or claim lands where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate; and, on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county. (13203)

County boundaries, by whom surveyed, when RSMo 46.010 to 46.030

**60.150. What survey shall be legal evidence.**—No survey or resurvey, hereafter made by any person, except that of the county surveyor or his deputy, shall be considered legal evidence in any court in this state, except such surveys as are made by the authority of the United States or by mutual consent of the parties. (13200)

**60.160. Survey, land in dispute.**—When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such land is situate. (13204)

**60.170. Surveyor to execute orders of court.**—The county surveyor shall execute all orders to him directly by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate. (13198)

**60.180. Chainmen — oath.** — Each chainman and marker employed by the county surveyor or his deputy shall, before he commences the duty assigned him, take an oath or affirmation faithfully and impartially to execute the duties of chainman or marker, as the case may be, which oath or affirmation the county surveyor or his deputy is authorized and required to administer. (13205)

**60.190. Compensation of chainmen and markers.** — Each chainman and marker shall be allowed two dollars for each day he is actually employed, which shall be paid by the party at whose request the survey is made. (13206)

**60.200. Chainmen and markers provided by whom.**—The chainmen and markers may be provided by the party requesting the survey, if approved by the surveyor. (13207)

**60.210. Division of section into halves.**—In subdividing a section of land into halves, it shall be the duty of county surveyors to commence at the point of one of the quarter section corners required, and run a random line thence in the direction of the opposite corner, to a point at right angles therefrom, note the fallings, and then correct by running a true line from corner to corner. (13212)

**60.220. Division of section into quarters.**—In subdividing a section of land into quarters, it shall be required: First, to proceed to find the requisite quarter section corners, and run thence in the direction of the opposite corner, and, at forty chains, set a temporary post; then continue the line to said opposite corner, or to a point at right angles therefrom, note the fallings and length of the line; then proceed to run a random line through the section to be quartered, in a transverse direction from the first line run, and in the same manner as there directed; then, from the temporary post set at forty chains on the random line, proceed to find the point of intersection of the true lines, by making the necessary offsets therefrom, which point of intersection shall be established as the true and legal center corner of the section; then correct, by running true lines from the center to the quarter section corners, or vice versa, as best suits the convenience of the surveyor. (13213)

**60.230. Division of section into eighths.**—In subdividing a section of land into eighths, it shall be required: First, to proceed to find the center of the section, as directed in the last preceding section; in addition to which it shall be required, in running the random line across the end of the eighth subdivision to be surveyed, to set a temporary post at twenty chains from the quarter section corner; then, from said temporary post set at twenty chains, proceed to find the medium point on the lines between the center and the quarter section corners, which point shall be the true and legal inside corner to the eighth subdivision to be surveyed; second, run a random line between the section and quarter section corners across the end of the eighth subdivision to be surveyed; at twenty chains set a temporary post, then continue the random line to the corner, note the falling therefrom and the length of the line; then from the temporary post at twenty chains, proceed to find the medium point on the line between the section and the quarter section corners, which point shall be the true and legal corner; then proceed to run true lines from corner to corner around the eighth subdivision to be surveyed. (13214)

**60.240. Division of section into sixteenths.**—In subdividing a section of land into sixteenths, it shall be required: First, to ascertain the center corner of the section, as directed in section 60.220; second, to find the medium points on the lines between the corners of the four sides of the quarter section to be quartered; third, from said medium points, run random lines through the quarter section each way, and then proceed, in the manner pointed out in section 60.220, to subdivide a section into quarter. (13215)

**60.250. Blank quarter section corners, west side—how established.**—The blank quarter section corners on the west side of fractional sections six, seven, eighteen, nineteen, thirty and thirty-one are required to be established the same distance north or south of the quarter section corners, to sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, as the corresponding fractional section corners south thereof are north or south of the section corners above named. (13216)

**60.260. Blank quarter section corners, north side — how established.** — The blank quarter section corners on the north side of fractional sections one, two, three, four, five and six are required to be established the same distance, after taking into consideration the length of the south boundaries thereof, as established by the deputy United States surveyor, east or west of the quarter section corners, to sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, as the corresponding fractional section corners east thereof are east or west of the section corners above named. (13217)

**60.270. Fractional sections, subdivision.**—In subdividing a section made fractional by claims, grants, navigable watercourses, lakes, impenetrable swamps or state lines, it shall be required to run parallel to the east and south boundaries thereof, excepting when there exist opposite quarter section corners, when it shall be required to run random lines, and correct by running true lines, in the manner heretofore directed; provided, however, when there are no east and south boundaries, it shall be legal to

run parallel to the north and west boundaries thereof. (13218)

**60.280. Fractional sections, subdivision (continued).**—In subdividing fractional sections, it shall be required to divide the excess or deficiency in length of lines over or under the original length of the lines so surveyed by the deputy United States surveyor, in due proportion among the several subdivisions. (13219)

**60.290. Decayed or destroyed section corners, how established.**—In establishing decayed or destroyed section corners, it shall be legal: First, to reestablish such decayed or destroyed corners at the point of intersection of the original marked section lines; if said point cannot be satisfactorily obtained by this mode, it shall be legal; second, to commence at any two section corners in transverse directions from the corner sought, and run random lines in the direction thereof to the quarter section corners; note the falling therefrom; then, adjusting the compass to the true course of said lines, respectively, continue the true course of said lines, and establish the corner sought at the point of intersection thereof; third, when several adjacent corners are decayed, it shall be legal to commence at any two of the nearest township, section or quarter section corners to the corner sought, and in transverse directions therefrom, and run in the direction thereof, on the general course of lines in the township in which the survey is to be made, until the lines intersect, always, however, taking into consideration the fallings of the east and west lines, which point of intersection shall be the legal corner. (13221)

Establishment of destroyed corners through testimony, RSMo 446.040 to 446.170  
Preservation and marking of corners, RSMo 446.010 to 446.030

**60.300. Destroyed quarter section corners, how established.**—In establishing decayed or destroyed quarter section corners, it shall be required to ascertain the medium point on the line between the two adjacent section corners, and reestablish such decayed or destroyed corners at said medium point. (13220)

**60.310. Corners, how perpetuated.**—For the purpose of perpetuating corners, every surveyor shall be required to es-

establish his corners by taking bearing trees, and noting particularly the kind, diameter, course and distance; and when there are no trees within a reasonable distance, the surveyor shall perpetuate his corner by erecting mounds; and when practicable, he shall require the person having the survey made to furnish suitable stones, and at each and every corner made and established a stone shall be permanently placed in the ground, and in such cases it shall not be necessary to erect mounds. (13222)

**60.320. Duty of county surveyor to report destruction of landmarks.** — It shall be the duty of every county surveyor and every deputy county surveyor to report as soon as practicable all violations of law relative to the destruction of landmarks that come under their observation, or of which they have knowledge, to the grand jury or to the prosecuting attorney of the county in which the violation occurs. (13224)

**60.330. Chapter to be construed, how.** — This chapter shall in nowise be construed either to affect the legality of surveys heretofore legally made and recorded, or to prevent surveyors from taking advantage of any corners previously legally established. (13223)

**60.340. Records kept by surveyor.** — The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the "record of surveys," and every such surveyor shall record in such book a full and complete description of all corners established by him or his deputies, within two weeks after the survey has been certified to, and such books shall be preserved by the recorder of deeds the same as the records of conveyances of such county or city and subject to inspection by any person interested therein, under the supervision of the recorder of deeds for such county or city;

(2) In surveying town lots, he shall give the distances to the points or lines

from which he established the lines of the lots, and perpetuate the same by measuring the distances to houses standing in the immediate vicinity, or by prolonging the lines to the curbstones and cut notches therein;

(3) Number his surveys progressively;

(4) He shall note on each plat and in the field notes the magnetic variation under which the lines of the survey were run;

(5) Deliver a copy of any survey to any person requiring the same, on payment of the fees allowed by law, so long as said records shall remain in his possession, and after said record shall have been deposited in the office of the recorder of conveyances, the said recorder shall, on the request of any one and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the originals themselves. (13202)

Records, authorizing photographic, microfilm or photostatic reproduction, RSMo 109.120 to 109.140

**60.350. County courts may obtain copies of field notes of public surveys.** — The several county courts in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the surveyor-general of the United States, at St. Louis, or from the register of any land office in the land district in which such courts are held, a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners; the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines—the same to be filed in the office of the county surveyor of their counties, respectively. (13209)

**60.360. When copies obtained, expenses to be paid, how.** — In all cases where the county surveyor shall have, at his own expense, obtained a certified

copy, as provided for in section 60.350, the county court shall make a reasonable allowance to said surveyor for said copy, which shall thereafter become the property of the county, and be filed as provided in the next preceding section; provided, however, that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor. (13210)

**60.370. Copies of such copy to be evidence, when.**—In all cases where such

copies are filed, a copy of such copies, certified by the county surveyor, shall be evidence in all cases where the same is drawn in question in any judicial proceedings. (13211)

**60.380. Failure to perform duties—penalty.**—Any county surveyor who shall fail to perform the duties required of him by this chapter shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party. (13225)

## Chapter 61

### COUNTY HIGHWAY ENGINEERS

#### CLASS ONE COUNTIES

Sec.	
61.010	Office of county highway engineer and surveyor created—term of office
61.020	Election certification — commission — vacancy (class one counties)
61.030	Qualifications (class one counties)
61.040	Oath—bond (class one counties)
61.050	Salary (class one counties)
61.060	Assistants (class one counties)
61.070	Supervisory duties—expenditures approved by county court (class one counties)
61.080	Inspection duties (class one counties)
61.090	Reports to state highway commission (class one counties)
61.100	Annual report to county court (class one counties)
61.110	General duties (class one counties)
61.120	Survey duties (class one counties)
61.130	Interest in sale of road supplies prohibited—penalty (class one counties)
61.140	Fees—disposition (class one counties)
61.150	Seal

#### COUNTIES OF CLASSES TWO, THREE, AND FOUR

61.160	Appointment
61.170	Qualifications
61.180	Bond
61.190	Salary in certain counties
61.200	Appointment—compensation—assistants
61.210	Duties as custodian of tools and machinery
61.220	Supervisory duties
61.230	Inspection duties
61.240	General duties, certain counties
61.250	Failure of overseer to follow instructions—penalty
61.260	Annual meeting of road overseers
61.270	Reports
61.280	Annual statement—road map
61.290	Failure to perform duties—penalty
61.300	Shall not be sales agent, etc.
61.310	Violation or neglect—penalty

#### CROSS REFERENCES

Bridge, construction supervised by county highway engineer, when, RSMo 234.080  
 Bridges and culverts, engineer to supervise construction, RSMo 234.020  
 Bridges, between counties, supervision and construction, RSMo 234.080  
 Bridges, repair of damage, engineer may let contract, RSMo 234.030  
 Construction of county roads, duties of highway engineer, RSMo 229.050

Contracts for ditching and draining made by highway engineer, RSMo 231.080  
 Contracts for repair of damaged bridges, duties, RSMo 234.030  
 Grade crossings, duty of highway engineer, RSMo 229.380 to 229.410  
 Streets and alleys in unincorporated towns, duties, RSMo 231.150, 231.160  
 Trees along roads, highway engineer to protect, RSMo 231.120, 231.130  
 Unincorporated towns and villages, highway engineer to control streets and alleys, RSMo 231.150, 231.160

#### CLASS ONE COUNTIES

**61.010. Office of county highway engineer and surveyor created—term of office.**—In all counties of class one in this state there is hereby created the office of county highway engineer and surveyor, to be known and designated as “highway engineer,” who shall be the chief officer in such county in all matters pertaining to highways, roads, bridges, culverts and surveys. At the general election in the year 1948, and every four years thereafter, the qualified voters of each such county shall elect a highway engineer, who shall hold his office for four years and until his successor is elected, commissioned and qualified. (L. 1945 p. 1400 §1)

County board of equalization, surveyor to be a member, RSMo 138.010, 138.020

**61.020. Election certification — commission — vacancy (class one counties).**—The board, or boards, of election commissioners, as the case may be, of each such county shall certify the election of high-

1953  
c. 2

# LAWS *of* MISSOURI

Passed at the Regular and First and Second  
Extra Sessions of the

## SIXTY-SEVENTH GENERAL ASSEMBLY

Regular Session Which Convened at the  
City of Jefferson, Wednesday, January 7,  
1953, and Adjourned Sunday, May 31, 1953;  
First Extra Session Which Convened Mon-  
day, October 19, 1953, and Adjourned Fri-  
day, October 23, 1953; and Second Extra  
Session Which Convened Tuesday, Feb-  
ruary 23, 1954, and Adjourned  
Friday, April 23, 1954



*Issued by*

**WALTER H. TOBERMAN**

Secretary of State

In Compliance with Section 2.040, Revised  
Statutes of Missouri, 1949.

**Section 64.320. Land acquired for recreational purposes and sanitary land fills — tax levy (class one counties).**—The county courts in all counties of Class One are hereby authorized and given the power to purchase at public expense out of the county treasury or to receive by gift or donation, lots, tracts and parcels of ground and lands to be used as public parks, playgrounds, camping sites, recreation purposes, and sanitary land fills. The county courts in Class One counties are hereby authorized and empowered to acquire property for such purposes by eminent domain, and the procedure therefor shall be the same as is provided by law for condemnation for road purposes. Said counties may, by appropriate order of their respective county courts, levy an annual tax not to exceed three cents on the one hundred dollars assessed valuation for the acquisition, planning, improvement, maintenance, operation and leasing of such parks, playgrounds, camping sites, and sanitary land fills.

Approved May 8, 1953.

[H. B. 251.]

**COUNTY AND TOWNSHIP GOVERNMENT: Relating to the fees and compensation of county surveyors, chainmen and markers.**

AN ACT to repeal sections 60.110 and 60.190, RSMo 1949, relating to the fees and compensation of county surveyors, chainmen and markers, and to enact two new sections in lieu thereof relating to the same subject.

SECTION

1. Repealing Sections 60.110 and 60.190, Revised Statutes of Missouri, 1949, and enacting two new sections in lieu thereof.

SECTION

60.110. Fees, class three and four counties.  
60.190. Compensation of chainman and marker.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Repealing Sections 60.110 and 60.190, Revised Statutes of Missouri, 1949, and enacting two new sections in lieu thereof.**—Sections 60.110 and 60.190, RSMo 1949, are repealed and two new sections enacted in lieu thereof, to be known and numbered sections 60.110 and 60.190, to read as follows:

**Section 60.110. Fees, class three and four counties.**—County surveyors in counties of the third and fourth class shall be allowed fees for their services as follows:

For calculating the quantity of land in each survey, when called upon by any party, the sum of thirty cents for each distance contained in the boundary of said survey.

For every survey actually made not to exceed . . . . .	\$20.00
per day	
And the further sum of one cent for every chain lineal meas- ure above one hundred chains	
For calculating the quantity of each division made in a tract of land, town lots excepted . . . . .	1.50
For making each plat . . . . .	2.00
For recording a plat and certificate . . . . .	1.00
For every copy of a plat and certificate . . . . .	1.00
For traveling to the place of survey and returning, for every mile . . . . .	.08
For ascertaining and planting each corner . . . . .	2.00
For recording each certificate . . . . .	2.00
For each day's attendance as a witness . . . . .	5.00
For delivering depositions to the recorder . . . . .	.70
For each day actually engaged in serving as a member of the county board of equalization . . . . .	5.00

**Section 60.190. Compensation of chainman and marker.**—  
Each chainman and marker shall be allowed eight dollars for each  
day he is actually employed, which shall be paid by the party at  
whose request the survey is made.

Approved June 12, 1953.

[H. B. 317.]

**COUNTY AND TOWNSHIP GOVERNMENT: Relating to coro-  
ners in counties of the second class.**

AN ACT relating to coroners in counties of the second class.

SECTION

1. Record of proceedings and report filed with prosecuting attorney, compensation for report of inquest to prosecutors (class two counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Record of proceedings and report filed with prose-  
cuting attorney, compensation for report of inquest to prosecutors.**

—1. In all counties of the second class the coroner shall, upon holding an inquest and securing the jury's verdict thereon, immediately file a record of the proceedings in the office of the prosecuting attorney.

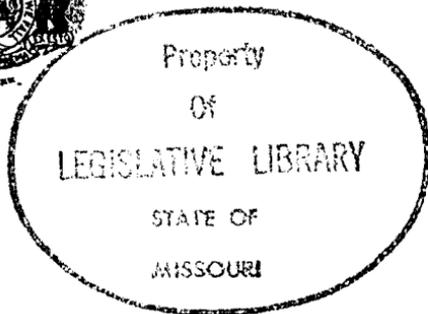
2. In all such counties where investigation by the coroner shows no inquest to be necessary, the coroner shall file a written report with the prosecuting attorney setting forth the facts and circumstances surrounding the case, together with his conclusions and the action taken. The cost of the additional transcript hereby required shall be paid from county funds.

3. For the additional duties imposed upon the coroner by this law the coroner shall receive in addition to his present salary

# LAWS *of* MISSOURI

Passed at the Regular, First, and Second Extra Sessions  
of the  
**SEVENTY-THIRD GENERAL ASSEMBLY**

Regular Session Which Convened at the City of Jefferson,  
Wednesday, January 6, 1965, and Adjourned Thursday,  
July 15, 1965; First Extra Session Which Convened  
Monday, October 18, 1965, and Adjourned Monday, No-  
vember 22, 1965; and Second Extra Session Which Con-  
vened Monday, March 7, 1966, and Adjourned Friday,  
May 6, 1966.



*Issued by*  
**COMMITTEE ON LEGISLATIVE RESEARCH**  
**GENERAL ASSEMBLY OF MISSOURI**

In Compliance with Section 2.040,  
Revised Statutes of Missouri, 1959

[H. B. 201]

**COUNTY AND TOWNSHIP GOVERNMENT: County surveyors and surveys, Missouri state coordinate system.**

AN ACT adopting, defining, describing, and authorizing the use of a system of plane coordinates for designating and stating the position of points on the surface of the earth within the state of Missouri, with an effective date.

**SECTION**

1. "Missouri State Coordinate System" adopted and established.
2. State divided into three zones—descriptions.
3. Zones given official names.
4. Use of plane coordinates to establish locations.
5. Descriptions involving more than one zone.

**SECTION**

6. Missouri coordinate system zones precisely defined.
7. Property descriptions not to be recorded unless containing a point within one-half mile of traverse station.
8. Use of term limited.
9. Property descriptions based on United States public land survey recognized.
10. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. "Missouri State Coordinate System" adopted and established.**—The system of plane rectangular coordinates, which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within Missouri, is hereby adopted for official use in this state. It shall hereafter be known and designated as the "Missouri State Coordinate System."

**Section 2. State divided into three zones—descriptions.**—1. For the purpose of the use of this system, Missouri is divided into three separate zones, to be officially known as "The East Zone", "The Central Zone", and "The West Zone".

2. The area now included in the following counties shall constitute the east zone: Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis, St. Louis (City), Scott, Shannon, Stoddard, Warren, Washington, and Wayne.

3. The area now included in the following counties shall constitute the central zone: Adair, Audrain, Benton, Boone, Callaway, Camden, Carroll, Chariton, Christian, Cole, Cooper, Dallas, Douglas, Greene, Grundy, Hickory, Howard, Howell, Knox, Laclede, Linn, Livingston, Macon, Maries, Mercer, Miller, Moniteau, Monroe, Morgan, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Putnam, Randolph, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Texas, Webster and Wright.

4. The area now included in the following counties shall constitute the west zone: Andrew, Atchison, Barry, Barton, Bates, Buchanan, Caldwell, Cass, Cedar, Clay, Clinton, Dade, Daviess, DeKalb, Gentry, Harrison, Henry, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Newton, Nodaway, Platte, Ray, St. Clair, Vernon and Worth.

**Section 3. Zones given official names.**—As established for use in the east zone, the Missouri coordinate system shall be named, and in any land description in which it is used it shall be so designated, the "Missouri Coordinate System, East Zone". As established for use in the central zone, the Missouri coordinate system shall be named, and in any land description in which it is used it shall be designated, the "Missouri Coordinate System, Central Zone". As established for use in the west zone, the Missouri coordinate system shall be named, and in any land

description in which it is used it shall be designated, the "Missouri Coordinate System, West Zone".

**Section 4. Use of plane coordinates to establish locations.**—The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in feet and decimals of a foot. One of these distances, to be known as the "x-coordinate", shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate", shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to the coordinates, on the Missouri coordinate system, of the triangulation and traverse stations of the United States Coast and Geodetic Survey within the state of Missouri, as those coordinates have been determined by the survey.

**Section 5. Descriptions involving more than one zone.**—When any tract of land to be defined by a single description extends from one into another of the above coordinate zones, the positions of all points on its boundaries may be referred to either of the zones and the zone which is used shall be specifically named in the description.

**Section 6. Missouri coordinate system zones precisely defined.**—For the purpose of more precisely defining the Missouri coordinate system, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian  $90^{\circ} - 30'$  west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian  $90^{\circ} - 30'$  west of Greenwich and the parallel  $35^{\circ} - 50'$  north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

(2) The Missouri coordinate system, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian  $92^{\circ} - 30'$  west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian  $92^{\circ} - 30'$  west of Greenwich and the parallel of  $35^{\circ} - 50'$  north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

(3) The Missouri coordinate system, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian  $94^{\circ} - 30'$  west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian  $94^{\circ} - 30'$  west of Greenwich and the parallel  $36^{\circ} - 10'$  north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

(4) The position of the Missouri coordinate system shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927, and whose coordinates have been computed on the system herein defined. Any such station may be used for establishing a survey connection with the Missouri coordinate system.

**Section 7. Property descriptions not to be recorded unless containing a point within one-half mile of traverse station.**—No coordinates based on the Missouri coordinate system, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless the point is within one-half mile of a triangulation or traverse station established in conformity with the standards prescribed in section 6 of this act; pro-

vided, that the one-half mile limitation may be modified by a duly authorized state agency to meet local conditions.

**Section 8. Use of term limited.**—The use of the term “Missouri Coordinate System” on any map, report of survey, or other document shall be limited to coordinates based on the Missouri coordinate system as defined in this act.

**Section 9. Property descriptions based on United States public land survey recognized.**—Descriptions of tracts of land by reference to subdivisions, lines, or corners of the United States public land survey, or other original pertinent surveys, are hereby recognized as the basic and prevailing method for describing such tracts. Whenever coordinates of the Missouri coordinate system are used in such descriptions they shall be construed as being supplementary to descriptions of such subdivisions, lines, or corners contained in official plats and field notes of record; and, in the event of any conflict, the descriptions by reference to the subdivisions, lines, or corners of the United States public land surveys, or other original pertinent surveys, shall prevail over the description by coordinates.

**Section 10. Effective date.**—This act shall become effective on January 1, 1967.

Approved August 2, 1965.

[H. B. 493]

**COUNTY AND TOWNSHIP GOVERNMENT: County highway engineers, class two, three and four counties.**

AN ACT to repeal section 61.190, RSMo Supp. 1963, relating to the salary and qualifications of highway engineers and to enact in lieu thereof one new section, relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

61.190. Salary (class two, three and four counties)—qualifications (class two counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 61.190, RSMo Supp. 1963, is repealed and one new section enacted in lieu thereof, to be known as section 61.190, to read as follows:

**Section 61.190. Salary (class two, three and four counties)—qualifications (class two counties).**—1. In all counties of the second class the county highway engineer may receive an annual salary of seven thousand five hundred dollars and said county highway engineer shall be a qualified engineer having not less than eight years experience in the field of civil engineering.

2. In all counties of the third and fourth class the county highway engineer shall receive an annual salary, to be fixed by the county court, of not to exceed six thousand dollars per year in counties of class three, nor to exceed four thousand eight hundred dollars per year in counties of class four.

Approved July 21, 1965.

# LAWS *of* MISSOURI

Passed at the  
Regular, First, Second, Third and Fourth Extra Sessions  
of the

## SEVENTY-FIFTH GENERAL ASSEMBLY

Regular Session Which Convened at the City of Jefferson, Wednesday, January 8, 1969, and Adjourned Tuesday, July 15, 1969; First Extra Session Which Convened Monday, September 8, 1969, and Adjourned Tuesday, September 30, 1969; Second Extra Session Which Convened Monday, January 19, 1970, and Adjourned Monday, February 2, 1970; Third Extra Session Which Convened Wednesday, April 15, 1970, and Adjourned Saturday, June 13, 1970; and Fourth Extra Session Which Convened Friday, November 13, 1970, and Adjourned Thursday, December 31, 1970.



*Published by*

**JAMES C. KIRKPATRICK**

**Secretary of State**

In Compliance with Section 2.030, Revised Statutes of Missouri, 1969

and

Senate Concurrent Resolution No. 2

Seventy-fifth General Assembly

POPULATION	SALARY	ASSESSED VALUATION	SALARY
10,001 to 12,500	\$3500	12 million to 13 million	\$3200
12,501 to 15,000	3550	13 " to 14 "	3250
15,001 to 17,500	3600	14 " to 15 "	3300
17,501 to 20,000	3650	15 " to 16 "	3350
20,001 to 25,000	3700	16 " to 17 "	3400
25,001 to 30,000	3750	17 " to 18 "	3450
30,001 to 35,000	3800	18 " to 19 "	3500
35,001 to 40,000	3900	19 " to 20 "	3550
40,001 to 45,000	4000	20 " to 22½ "	3650
45,001 to 50,000	4100	22½ " to 25 "	3750
50,001 to 60,000	4200	25 " to 27½ "	3850
60,001 to 70,000	4300	27½ " to 30 "	3950
70,001 to 80,000	4450	30 " to 32½ "	4050
80,001 to 90,000	4600	32½ " to 35 "	4150
90,001 to 100,000	4700	35 " to 37½ "	4250
100,001 to 125,000	4850	37½ " to 40 "	4350
125,001 to 150,000	5000	40 " to 42½ "	4450
150,001 to 175,000	5150	42½ " to 45 "	4550
175,001 to 200,000	5300	45 " to 47½ "	4650
200,001 to 225,000	5450	47½ " to 50 "	4750
225,001 to 250,000	5600	50 " to 55 "	4875
250,001 to 275,000	5800	55 " to 60 "	5000
275,001 to 300,000	6000	60 " to 65 "	5125
300,001 to 325,000	6200	65 " to 70 "	5250
325,001 to 350,000	6400	70 " to 75 "	5375
350,001 to 400,000	6650	75 " to 80 "	5500
400,001 to 450,000	6900	80 " to 85 "	5625
450,001 to 500,000	7150	85 " to 90 "	5750
		90 " to 95 "	5875
		95 " to 100 "	6000
		100 " to 125 "	6150
		125 " to 150 "	6300
		150 " to 175 "	6450
		175 " to 200 "	6600
		200 " to 225 "	6750
		225 " to 250 "	6900
		250 " to 275 "	7050
		275 " to 300 "	7200

2. The population factor shall be as disclosed by the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the annual salary computation. Payment of the salary provided for herein shall be payable in equal monthly installments by the county.

Approved August 4, 1969.

[S. B. 22]

**COUNTY AND TOWNSHIP GOVERNMENT: State land survey authority.**

AN ACT relating to a state land survey authority, with penalty provisions, and with an effective date.

## SECTION

1. Membership, qualifications.
2. Term.
3. Oath, compensation.
4. Meetings, when held.
5. Powers and duties of authority.
6. State land surveyor, qualifications.
7. Compensation.
8. Surveyor, duties.
9. Authority may acquire property, how.
10. Ownership of markers in authority, unauthorized tampering prohibited, duty to prosecute.

## SECTION

11. Attorney general to advise authority.
12. Headquarters, where located.
13. Right of entry, immune to trespass arrest.
14. Records to be furnished authority—authority to furnish records at cost.
15. Registered surveyors to be used—private employment prohibited.
16. Income deposited in treasury.
17. Authority may contract—user fee.
- A. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Membership, qualifications.**—There is hereby created a “State Land Survey Authority” which shall consist of five members all of whom shall be residents of this state. Of these, four shall be appointed by the governor, with the advice and consent of the senate. No more than two of these four shall be of the same political party. The fifth member shall be the state geologist. Of the appointed members, two shall be registered land surveyors within Missouri, one shall be a Missouri professional engineer, and the fourth shall be a licensed attorney.

**Section 2. Term.**—Each of the appointed members shall hold office for a term of four years, except that of the members first appointed to the authority, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years. Any vacancy shall be filled by appointment by the governor, with the advice and consent of the senate, for the unexpired portion of the term.

**Section 3. Oath, compensation.**—Members of the authority, upon induction into office, shall take the customary oath of office to support the constitution of the United States, and that of Missouri, and to faithfully demean themselves in office. They, except the state geologist, shall receive compensation at the rate of thirty dollars per day for each day or part thereof, during which they shall be in attendance at meetings of the authority or otherwise engaged under the direction of the authority in the discharge of official duty. They, including the state geologist, shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of their duties.

**Section 4. Meetings, when held.**—Members of the authority shall choose one of themselves as chairman. The authority shall meet at least four times a year, and the chairman shall determine the time and place for any special meeting. Regular meetings shall be held as agreed upon by members of the authority.

**Section 5. Powers and duties of authority.**—The functions, duties and responsibilities of the authority shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve other boundary markers considered by the authority to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating,

with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near by as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the authority's establishment or maintenance of other land corners, Missouri state coordinate system stations and accessories, and monuments in general;

(4) To extend throughout this state a triangulation and leveling net of precision, whereby the Missouri state coordinate system, as established by section 60.400, RSMo, may be made to cover to the necessary extent those areas of the state which do not now have enough geodetic control stations to permit the general use of the system by land surveyors and others;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the authority which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record;

(7) To prescribe, and disseminate to those engaged in the business of land surveying, advisory regulations designed to assist in uniform and professional surveying methods and standards in this state; and

(8) To select and appoint a state land surveyor, who shall be the chief administrative officer of the authority, and who shall hold office at the pleasure of the authority.

**Section 6. State land surveyor, qualifications.**—The state land surveyor shall be a registered land surveyor within this state, with training and experience properly qualifying him for the performance of his official duties. He shall subscribe to an oath to support the constitution of the United States, and that of Missouri, and to faithfully demean himself in office. He shall give bond for such faithful performance in an amount fixed by the authority.

**Section 7. Compensation.**—The salary of the state land surveyor shall be fixed by the authority at not more than eighteen thousand dollars per year, payable monthly out of the state treasury.

**Section 8. Surveyor, duties.**—The state land surveyor shall, under guidance of the authority, carry out the routine functions and duties of the authority, as prescribed in this act. He shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He shall perform such other work and acts as shall in the judgment of the authority, be necessary and proper to carry out the objectives of this act and, within the limits of appropriations made therefor and subject to the approval of the authority, employ and fix the compensation of such additional employees as may be necessary to carry out the provisions of this act.

**Section 9. Authority may acquire property, how.**—The state land survey authority may acquire, in the name of the state of Missouri, lands or interests

therein, where necessary, to establish permanent control stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the establishment of an office of the authority. If condemnation is necessary, the attorney general shall bring the suit in the name of the state in the same manner as authorized by law for the acquisition of lands by the state highway commission.

**Section 10. Ownership of markers in authority, unauthorized tampering prohibited, duty to prosecute.**—The custody and ownership of the original United States public land survey corners and accessories, including all restoration and replacements thereof and all accessories, belonging to the state of Missouri is hereby transferred to the authority. The authority shall see that the markers are maintained, and the alteration, removal, disfiguration or destruction of any of the corners or accessories, without specific permission of the state land survey authority, is an act of destruction of state property and is a misdemeanor. Any person convicted thereof shall be punished as provided by law. Each of the several prosecuting attorneys is specifically directed to prosecute for the violation of this section for any act of destruction which occurs in his county.

**Section 11. Attorney general to advise authority.**—Upon request, the state attorney general shall advise the land survey authority or the state land surveyor with respect to any legal matter, and shall represent the authority in any proceeding in any court of the state in which the authority shall be a party.

**Section 12. Headquarters, where located.**—The permanent headquarters of the state land survey authority shall be at or near to the principal office of the Missouri state geological survey. Until such time as other headquarters can be obtained by the authority, the state geologist shall assign such space in the state geological survey building as may be available. The authority may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

**Section 13. Right of entry, immune to trespass arrest.**—Members of the state land survey authority, together with the state land surveyor or any and all employees of the authority, have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the authority may make reasonable payment for the damage from funds available for that purpose. However, members of the authority or any of its employees are personally liable for any damage caused by their wantonness, willfulness or negligence. All members of the authority, and all its employees, are immune from arrest for trespass in performing their legal duties as stated in this act.

**Section 14. Records to be furnished authority—authority to furnish records at cost.**—On request of the authority or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to this authority or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise it shall be at actual cost of reproduction of the records. On the same basis of cost, this authority shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

**Section 15. Registered surveyors to be used—private employment prohibited.**—Every employee of the authority who is engaged in work required by law to be done by a registered land surveyor will be so registered. No employee of the authority shall engage in private land surveying or consultation while employed by the authority.

**Section 16. Income deposited in treasury.**—The authority may produce, reproduce and sell maps, plats, reports, studies, and records, and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury.

**Section 17. Authority may contract—user fee.**—Whenever the authority deems it expedient, and when funds appropriated permit, the authority may enter into any contract with agencies of the United States, with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose of this act.

A user fee of one dollar shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument conveying real property or any interest therein. The fee shall be forwarded monthly by each recorder of deeds to the state collector of revenue, and the fees so forwarded shall be deposited by the collector in the state treasury.

**Section A. Effective date.**—The provisions of sections 1 through 17 shall not be effective until July 1, 1970.

Approved August 18, 1969.

[H. B. 228]

**COUNTY AND TOWNSHIP GOVERNMENT: State-local technical services Act.**

AN ACT relating to cooperative or contractual agreements and state technical assistance to political subdivisions, as authorized by section 16, article VI of the constitution of Missouri.

**SECTION**

1. Short title.
2. Assistance to political subdivisions encouraged.
3. Use of state data processing equipment by political subdivisions.
4. Political subdivisions, use of state procurement service authorized.

**SECTION**

5. State agencies may contract with political subdivisions.
6. Charges limited to cost of service.
7. Contracts to be filed with secretary of state.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Short title.**—It is hereby declared the policy of the general assembly of the state of Missouri that all forms of contractual and cooperative services that promote the economy and efficiency of operations of local government should be encouraged. This act may be cited as state-local technical services act.

**Section 2. Assistance to political subdivisions encouraged.**—All state agencies, within the limits of appropriations for this purpose are encouraged to assist political subdivisions of the state with information, technical assistance

# LAWS *of* MISSOURI

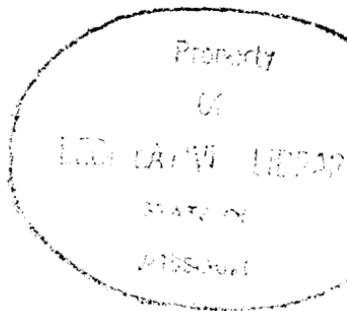
Passed at the

First Regular, First Extra, Second Regular and Second Extra Sessions

of the

## SEVENTY-SEVENTH GENERAL ASSEMBLY

First Regular Session Which Convened at the City of Jefferson, Wednesday, January 3, 1973 and Adjourned Saturday, June 30, 1973; First Extra Session Which Convened Monday, December 3, 1973 and Adjourned Friday, February 1, 1974; Second Regular Session Which Convened Wednesday, January 9, 1974 and Adjourned Wednesday, May 15, 1974; and Second Extra Session Which Convened Tuesday, November 19, 1974 and Adjourned Wednesday, January 8, 1975.



*Published by*

**JAMES C. KIRKPATRICK**

**Secretary of State**

In Compliance with Section 2.030, Revised Statutes of Missouri, 1969

and

Senate Concurrent Resolution No. 15

Seventy-Seventh General Assembly

First and Second Extra Sessions

**59.480. Recording of discharges from armed forces.**—Any person who is the holder of a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or documents which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States may demand that such document be recorded by the recorder of deeds of any county in this state, including the recorder of deeds of the city of St. Louis, and it shall be the duty of the recorder of deeds to record the document without any fee or compensation therefor.

**59.490. List of veterans—copies of discharge (class three and four counties).**  
—1. The recorder in counties of the third class and the circuit clerk and recorder in counties of the third and fourth classes wherein the offices have been combined, as the recorder of the county, shall prepare and keep a separate alphabetical list of the names of all residents of the county who have been discharged or transferred or otherwise separated from the armed forces of the United States. The list shall show the veteran's name, post-office address, and the branch of service from which he was discharged, transferred or otherwise separated, the date of his discharge, transfer or other separation and the date of the recording of same, together with the book and page wherein the discharge, separation notice, certificate of service, report of transfer or discharge, or other notice or document which is evidence of severance or transfer from military service and which contains a service record is recorded. The list shall be maintained by the recorder for public inspection and shall be up to date at all times; and in addition thereto, the recorders shall furnish to all persons who have reported their discharge or transfer or other separation from the armed forces of the United States one certified copy of the discharge, separation notice, certificate of service, report of transfer or discharge, or other notice or document which is evidence of severance or transfer from military service and which contains a service record upon request of the veteran, or if the veteran has deceased since the recording thereof, then by his heir, executor or administrator. A veteran is deemed a resident of the county for the purposes of this section if he resided in the county prior to his induction into the armed forces, and returned there upon his discharge, transfer or other separation, or if he has resided in the county for more than ninety days next prior to the recording of the discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record with the intention of making the county his domicile.

Approved June 15, 1973.

[H. B. 138]

**POLITICAL SUBDIVISIONS: Land surveys.**

AN ACT to repeal sections 60.450 and 60.460, RSMo 1969, relating to land surveys and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
60.450. Missouri coordinate system zones precisely defined.

**SECTION**

60.460. Property descriptions not to be recorded unless containing a point within one-half mile of traverse station.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 60.450 and 60.460, RSMo 1969, are

repealed and two new sections enacted in lieu thereof, to be known as sections 60.450 and 60.460, to read as follows:

**60.450. Missouri coordinate system zones precisely defined.**—1. For the purpose of more precisely defining the Missouri coordinate system, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees—30 minutes west of Greenwich and the parallel 35 degrees—50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

(2) The Missouri coordinate system, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees—30 minutes west of Greenwich and the parallel of 35 degrees—50 minutes north latitude. The origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

(3) The Missouri coordinate system, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees—30 minutes west of Greenwich and the parallel 36 degrees—10 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

2. The position of the Missouri coordinate system shall be as marked on the ground by triangulation or tranverse stations established in conformity with the standards adopted by the state land survey authority for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927, and whose coordinates have been computed on the system herein defined. Any such station may be used for establishing a survey connection with the Missouri coordinate system.

**60.460. Property descriptions not to be recorded unless containing a point within one-half mile of traverse station.**—No coordinates based on the Missouri coordinate system, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless the point is within one-half mile of a triangulation or traverse station established in conformity with the standards prescribed in section 60.450; provided, that the one-half mile limitation may be modified by the state land survey authority to meet local conditions.

Approved June 27, 1973.

[H. B. 715]

**POLITICAL SUBDIVISIONS: County offices and officers in certain counties.**

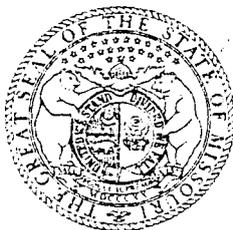
AN ACT to amend chapter 61, RSMo, by adding thereto sixteen new sections relating to certain county offices and officers in certain counties with penalty provisions, and to repeal sections 61.010, 61.020, 61.030, 61.040, 61.060, 61.070, 61.080, 61.090, 61.100, 61.110, 61.120, 61.130, 61.140 and 61.150, RSMo 1969, relating to the same subject.

# LAWS *of* MISSOURI

Passed at the  
Second Regular Session  
of the

## SEVENTY-NINTH GENERAL ASSEMBLY

Second Regular Session Which Convened at the City of Jefferson, Wednesday, January 4, 1978 and Adjourned Monday, May 15, 1978.



APR 11 1979

*Published by*  
**JAMES C. KIRKPATRICK**  
Secretary of State

In Compliance with Section 2.030, Revised Statutes of Missouri, 1969

and

Senate Concurrent Resolution No. 4

Seventy-Ninth General Assembly

the complainant and shall contain the complainant's statement under oath that he believes, to the best of his knowledge, the truthfulness of the statements contained therein.

2. All complaints against officials or employees of a political subdivision of the state concerning violations of the provisions of this act shall be made to the prosecuting attorney or circuit attorney of the appropriate political subdivision in writing. The complaints shall name the person allegedly violating the provisions of this act, the nature of the violation and the date of the commission of the violation and shall be signed by the complainant and shall contain the complainant's statement under oath that he believes, to the best of his knowledge, the truthfulness of the statements contained therein.

**Section 12.—Venue.**—If a person is charged with committing offenses under this act then the venue of the prosecution shall be:

(1) In the county in which they reside; or

(2) If the defendant is not a resident of this state, in any county in which any element of the offense occurred.

**Section 13. Applicability of other provisions of law—additional standards.**—Nothing in this act shall be interpreted as exempting any individual from applicable provisions of any other laws of this state or the provisions of any charter or ordinance of other political subdivisions in the state, and nothing in this act shall prohibit any political subdivision from establishing additional or more stringent requirements than those specified in this act.

**Section 14.—Penalty.**—Any person guilty of purposefully violating any of the provisions of sections 3 through 8 of this act is guilty of a felony and, upon conviction, shall be punished by imprisonment by the division of corrections for a term not exceeding five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment. On and after January 1, 1979, a violation of this act shall be considered a class D felony and, upon conviction, shall be punished as provided by law.

**Section 15. Severability.**—It is the intent of the legislature that this act be severable. In the event that any provision of this act be declared invalid under the constitution of the United States or the constitution of the state of Missouri, it is the intent of the legislature that the remaining provisions of this act remain in force and effect as far as they are capable of being carried into execution as intended by the legislature.

Approved June 15, 1978.

[H. E. 971]

#### **SUFFRAGE AND ELECTIONS: Election Law of 1978.**

AN ACT to repeal sections 1.020, 21.070, 21.080, 21.120, 21.130, 47.030, 47.040, 47.310, 49.020, 51.020, 51.030, 53.020, 55.080, 56.040, 56.050, 56.430, 56.440, 57.010, 57.080, 58.760, 59.040, 60.010, 60.020, 64.530, 64.900, 65.020, 65.030, 65.040, 65.050, 65.060, 65.070, 65.080, 65.090, 65.100, 65.120, 65.140, 65.150, 67.775, 70.020, 70.030, 70.040, 70.050, 70.070, 71.017, 71.020, 71.380, 71.440, 71.450, 71.460, 71.470, 71.530, 71.550, 71.650, 71.660, 71.715, 71.870, 71.880, 71.890, 71.900, 71.910, 71.920, 72.050, 72.060, 72.153, 72.160, 72.165, 72.170, 72.180, 72.185, 72.195, 72.210, 72.220, 77.040, 77.050, 77.180, 77.240, 77.370, 77.380, 77.450, 78.010, 78.030, 78.080, 78.090, 78.100, 78.110, 78.120, 78.130, 78.140, 78.150, 78.190, 78.200, 78.210, 78.220, 78.230, 78.240, 78.260, 78.270, 78.280, 78.420, 78.430, 78.450, 78.460, 78.470, 78.480, 78.490, 78.500, 78.510, 78.520, 78.530, 78.540, 78.550, 79.020, 79.030, 79.040, 79.170, 79.250, 79.280, 79.490,

80.040, 80.050, 80.460, 80.490, 80.500, 80.510, 80.520, 80.530, 80.540, 80.550, 80.560, 80.570, 80.580, 81.050, 81.070, 81.075, 81.080, 81.130, 81.140, 81.195, 81.230, 81.240, 81.280, 82.030, 82.090, 82.140, 86.583, 87.010, 87.015, 87.410, 88.613, 88.627, 88.633, 88.770, 88.773, 91.550, 91.600, 92.010, 92.300, 94.060, 94.100, 95.115, 95.125, 95.130, 95.145, 95.150, 95.155, 95.370, 95.385, 95.390, 95.410, 95.440, 95.445, 95.450, 95.510, 95.515, 95.527, 96.150, 98.030, 98.320, 98.500, 100.120, 108.010, 108.020, 108.040, 108.050, 108.060, 108.070, 108.090, 122.660, 122.670, 122.680, 122.690, 122.700, 122.710, 122.720, 122.730, 122.740, 122.750, 122.760, 122.770, 122.780, 122.790, 122.800, 122.810, 122.830, 122.840, 122.860, 122.880, 122.890, 122.900, 122.910, 122.920, 122.940, 122.950, 122.960, 122.970, 137.037, 137.065, 137.565, 137.570, 162.111, 162.223, 162.231, 162.251, 162.321, 162.341, 162.381, 162.421, 162.451, 162.481, 162.491, 162.561, 164.081, 164.091, 164.101, 164.121, 164.131, 164.141, 164.151, 166.161, 166.171, 177.031, 178.800, 178.810, 178.890, 182.020, 182.030, 182.100, 182.105, 182.260, 182.490, 190.015, 190.030, 190.035, 190.040, 190.045, 190.065, 190.070, 190.090, 198.210, 198.240, 198.250, 198.260, 198.270, 198.280, 198.310, 198.320, 199.080, 204.280, 204.370, 205.010, 205.020, 205.031, 205.041, 205.170, 205.180, 205.460, 205.470, 205.480, 205.570, 205.977, 205.978, 205.982, 206.020, 206.050, 206.060, 206.070, 206.080, 206.090, 206.120, 206.130, 210.330, 210.340, 210.350, 233.015, 233.020, 233.155, 233.180, 233.200, 233.290, 233.330, 233.345, 233.455, 233.460, 235.030, 235.040, 235.070, 235.140, 235.250, 235.260, 247.040, 247.060, 247.130, 247.170, 247.190, 247.215, 247.220, 247.260, 247.270, 247.310, 247.320, 247.350, 247.430, 247.460, 247.470, 247.480, 247.550, 247.600, 247.610, 247.620, 247.630, 248.040, 249.070, 249.080, 249.090, 249.110, 249.134, 249.136, 249.140, 249.390, 249.760, 249.763, 249.765, 249.767, 249.770, 249.773, 249.790, 249.800, 249.810, 250.060, 257.010, 257.020, 257.090, 257.100, 257.110, 257.140, 257.160, 257.170, 257.310, 257.370, 257.380, 257.450, 273.170, 273.180, 311.110, 311.120, 311.130, 311.140, 311.150, 311.160, 321.010, 321.030, 321.090, 321.130, 321.350, 321.360, 321.370, 321.380, 321.390, 321.400, 321.420, 321.460, 321.490, 321.495, 321.500, 321.600, 321.610, RSMo 1969, sections 55.045, 64.695, 64.800, 64.845, 64.885, 71.802, 72.080, 72.100, 72.130, 72.135, 91.120, 91.596, 91.660, 94.250, 94.280, 94.340, 94.400, 122.820, 122.850, 122.870, 122.930, 137.030, 249.010, 249.450, 162.071, 162.141, 162.191, 162.221, 162.241, 162.261, 162.361, 162.431, 162.441, 162.501, 162.825, 162.840, 162.845, 162.850, 162.851, 162.860, 162.865, 162.870, 162.910, 178.820, 178.840, 182.010, 182.150, 182.620, 182.650, 182.655, 182.660, 184.368, 184.370, 184.372, 190.050, 205.972, 230.205, 230.210, 230.215, 233.160, 247.217, 250.070, 260.245, 321.210, 321.650, RSMo 1975, sections 67.950, 72.310, 72.315, 72.320, 72.325, 72.335, 72.345, 90.500, 96.310, 100.110, 162.601, 162.603, 164.021, 182.140, 247.180, RSMo 1976, sections 67.950, 67.955, 78.550, 92.035, 94.510, 115.005, 115.023, 115.121, 115.123, 115.127, 115.331, 162.061, 115.257, 162.101, 162.291, 162.351, 162.371, 162.471, 162.492, 164.031, 167.231, 321.120, 321.220, 321.225, 321.240 and 321.620, RSMo Supp. 1977, relating to elections, and to enact in lieu thereof four hundred twenty-three new sections, relating to the same subject.

SECTION

1. Enacting clause.

1.020. Definitions.

21.070. Qualifications of Senators.

21.080. Qualifications of Representatives.

21.120. Writs of election, how directed.

21.130. Duty of election authority writ.

47.030. Removal of county seat—vote of people.

47.040. Commissioners to be appointed if proposition adopted.

47.310. Proceedings for dividing counties.

49.020. Election—term of office.

51.020. Election—term of office—commissioned by Governor.

51.030. Certificate of election recorded.

53.020. County clerks to issue certificate of election.

55.045. Election of county auditor prior to becoming second class county.

55.080. Certificate of election—oath of office.

56.430. Circuit attorney—election—qualifications (St. Louis City).

SECTION

56.440. Prosecuting attorney — election — qualifications—term of office (St. Louis City).

57.010. Election — qualifications — certificate of election.

57.030. Vacancy in office, how filled—private person may execute process, when.

58.760. Election to adopt, when—form of ballot—transition provisions (certain counties).

59.040. Combination or separation of office—election—form of ballot (third class counties).

60.010. Surveyor to be elected in certain counties—term.

64.530. Planning or zoning to be adopted only after approval by voters—submission of question (second and third class counties).

64.695. Termination of program, procedure—form of ballot (second and third class counties).

and a county medical examiner shall be approved as provided in sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765.

4. As used in sections 58.700 through 58.765 in reference to any county of the first class composed entirely of a city with a population of more than six hundred thousand, the term "governing body of the county" means the mayor of such city and the terms "city medical examiner" or "assistant city medical examiner" shall be used in lieu of "county medical examiner" or "assistant county medical examiner".

**59.040. Combination or separation of office—election—form of ballot (third class counties).**—In a county of class three, the question of combining the offices of circuit clerk and recorder or separating the offices may be submitted to the voters of the county by the county court and shall be submitted by the county court upon the petition of voters who comprise at least eight percent of the voters of the county as determined by the total vote for governor at the last preceding general election at which a governor was elected. If the two offices are separate and the question is to combine the two offices, the question shall be submitted in substantially the following form:

Shall the offices of the circuit clerk and recorder in .....(name of county) county be combined?

If the two offices are combined and the question is to separate the two offices, the question shall be submitted in substantially the following form:

Official Ballot

Shall the offices of circuit clerk and recorder in .....(name of county) county be separated?

The submission of the question provided for in this section may be made at the November election in 1948, or any fourth year thereafter. Any consolidation or separation brought about as a result of the provisions of this section shall not become effective until the expiration of the term of office of the officers affected.

**60.010. Surveyor to be elected in certain counties—term.**—At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in classes two, three and four shall elect some suitable person as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

**64.530. Planning or zoning to be adopted only after approval by voters—submission of question (second and third class counties).**—1. Before the county court of any such county shall adopt any plan or create any commission provided for in sections 64.510 to 64.690 it shall order the question as to whether or not the court shall adopt county planning or zoning submitted to the voters of the county.

2. The question shall be submitted in substantially the following form:  
Shall county zoning (or planning) be adopted?

3. If a majority of the votes cast on the question be in favor of the adoption of zoning or planning the county court may then proceed as heretofore provided in sections 64.510 to 64.690.

**64.695. Termination of program, procedure—form of ballot (second and third class counties).**—1. Upon receipt of a petition signed by a number of voters in the county equal to five percent of the total vote cast in the county at the

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**STATE OF MISSOURI**

**1978**

Comprising all statute laws of a general nature adopted by the First Regular Session of the Eightieth General Assembly, and certain sections which are reprinted to correct typographical and editorial errors.

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**VOLUME 1**

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# Chapter 60

## LAND SURVEYS

- Sec.
- 60.115. Definitions.
  - 60.211. Resurvey of United States public land survey—rules.
  - 60.215. Corners, original position to be determined.
  - 60.225. Lost corners, reestablishment—rules.
  - 60.235. Lost corners, monumentation, procedure—violation, deemed misconduct.
  - 60.245. Chapter to be construed, how.
  - 60.255. Quarter-sections, established how.
  - 60.265. Quarter-quarter-sections, established how.
  - 60.275. Fractional sections, established how.
  - 60.285. Corners of quarter-sections south of township line, east of range line, established how.
  - 60.590. Records to be furnished department—department to furnish records at cost.
  - 60.595. Document services fund, purpose—unexpended balances.

### SURVEYS

**60.115. Definitions.**—Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) **“Corners of the United States public land survey”**, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) **“Existent corner”**, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) **“Lost corner”**, a corner whose position cannot be determined, beyond rea-

sonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) **“Monument”**, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) **“Obliterated, decayed or destroyed corner”**, an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) **“Original government survey”**, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of natural resources;

(7) **“Proportionate measurement”**, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record

length of the interval bears to the whole record distance:

(a) **"Single proportionate measurement"**, a measurement applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) **"Double proportionate measurement"**, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) **"Record distance"**, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

(L. 1979 H. B. 47 § 60.005)

**60.210.—(Repealed L. 1979 H. B. 47 § 1)**

**60.211. Resurvey of United States public land survey—rules.**—In the resur-

vey of the lands of the United States public land survey, the surveyor shall observe the following rules, to wit:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter.

(L. 1979 H. B. 47)

**60.215. Corners, original position to be determined.**—The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost.

(L. 1979 H. B. 47)

**60.220.—(Repealed L. 1979 H. B. 47 § 1)**

**60.225. Lost corners, reestablishment—rules.**—The following rules for the reestablishment of lost corners should be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners cannot be disturbed. Consequently, discrepancies

between the new and record measurements will not in any manner affect the measurements beyond the existent corners; but the differences will be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels will be given precedence over other township exteriors, and, ordinarily, the latter will be given precedence over subdivisional lines; section corners will be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost standard corners will be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(4) All lost section and quarter-section corners on the township boundary lines will be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner;

(5) A lost interior corner of four sections will be reestablished by double proportionate measurement;

(6) A lost closing corner will be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(7) All lost quarter-section corners on the section boundaries within the township will be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished;

(8) Where a line has been terminated with a measurement in one direction only, a lost corner will be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1979 H. B. 47)

**60.230.—(Repealed L. 1979 H. B. 47 § 1)**

**60.235. Lost corners, monumentation, procedure—violation, deemed misconduct.**—For the purpose of perpetuating

the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing said reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1979 H. B. 47)

**60.240.—(Repealed L. 1979 H. B. 47 § 1)**

**60.245. Chapter to be construed, how.**—This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established prior to September 28, 1979.

(L. 1979 H. B. 47)

**60.250.—(Repealed L. 1979 H. B. 47 § 1)**

**60.255. Quarter-sections, established how.**—In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.

(L. 1979 H. B. 47)

**60.260.—(Repealed L. 1979 H. B. 47 § 1)**

**60.265. Quarter-quarter-sections, established how.**—In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by propor-

tionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.

(L. 1979 H. B. 47)

**60.270.—(Repealed L. 1979 H. B. 47 § 1)**

**60.275. Fractional sections, established how.**—In subdividing a fractional section or quarter-section, the land surveyor will run his lines from properly established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, water-course, grant boundary, state line or other irregular boundary which renders such land fractional.

(L. 1979 H. B. 47)

**60.280.—(Repealed L. 1979 H. B. 47 § 1)**

**60.285. Corners of quarter-sections south of township line, east of range line, established how.**—The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished.

(L. 1979 H. B. 47)

**60.290.—(Repealed L. 1979 H. B. 47 § 1)**

**60.300.—(Repealed L. 1979 H. B. 47 § 1)**

**60.310.—(Repealed L. 1979 H. B. 47 § 1)**

**60.330.—(Repealed L. 1979 H. B. 47 § 1)**

## DEPARTMENT OF NATURAL RESOURCES

**60.590. Records to be furnished department—department to furnish records at cost.**—1. On request of the department of natural resources or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of natural resources or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of natural resources shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of natural resources may produce, reproduce and sell maps, plats, reports, studies, and records, and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of natural resources document services fund.

(L. 1969 S. B. 22 §§ 14, 16, A. L. 1979 H. B. 121)

Effective 7-1-80

**60.595. Document services fund, purpose—unexpended balances.**—1. The "Department of Natural Resources Document Services Fund" is hereby created. All funds received by the department of natural resources from the sale or resale of maps, plats, reports, studies, records and other publications and documents by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods or services that will ultimately be used to reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps,

publications or other documents for resale; and to pay shipping charges, but for no other purpose.

2. An unexpended balance in the fund at the end of the fiscal year not exceeding one hundred thousand dollars

is exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the ordinary revenue fund.

(L. 1979 H. B. 121 § 2)

Effective 7-1-80

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Effective Date—1983 Laws  
1st Regular Session, 82nd General Assembly  
SEPTEMBER 28, 1983  
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## VOLUME 1

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(RSMo 1939 § 13426, A. L. 1951 p. 396, A. L. 1977 S. B. 112, A. L. 1981 S. B. 348)

Prior revisions: 1929 § 11804; 1919 § 11012; 1909 § 10715

59.360.—(Repealed L. 1983 H. B. 713 § 1 Revision)

## RECORDS

59.606.—(Repealed L. 1982 S. B. 478 § A)

# Chapter 60

## LAND SURVEYS

### COUNTY SURVEYORS

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- 60.010. Surveyor to be elected in certain counties—qualifications—term.
- 60.100. May charge for services (second, third, and fourth class counties).

### SURVEYS

- 60.115. Definitions.
- 60.211. Resurvey of United States public land survey—rules.
- 60.215. Corners, original position to be determined.
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### DEPARTMENT OF NATURAL RESOURCES

- 60.590. Records to be furnished department—department to furnish records at cost.
- 60.595. Document services fund, purpose—unexpended balances.

### COUNTY SURVEYORS

**60.010. Surveyor to be elected in certain counties—qualifications—term.**—At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in classes two, three and four shall elect a registered land surveyor as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

(RSMo 1939 § 13190, A. L. 1945 p. 1759, A. L. 1978 H.B. 971, A. L. 1983 H.B. 133)

Prior revisions: 1929 § 11571; 1919 § 12709; 1909 § 11291

**60.100. May charge for services (second, third, and fourth class counties).**—In counties of

the second, third or fourth class, the county surveyor may charge for his services such a sum as may be agreed upon by such surveyor and the person employing him. For that sum, the surveyor shall employ and pay for the services of the necessary chainmen, rodmen and markers. For that sum, the surveyor shall furnish to the person employing him a plat of the survey made by him, and shall also record the plat as provided by law.

(L. 1945 p. 1575 § 2, A. L. 1983 H.B. 133)

**60.110.—(Repealed L. 1983 H.B. 133 § 1)**

### SURVEYS

**60.115. Definitions.**—Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) “**Corners of the United States public land survey**”, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) “**Existent corner**”, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) "**Lost corner**", a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) "**Monument**", the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) "**Obliterated, decayed or destroyed corner**", an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) "**Original government survey**", that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of natural resources;

(7) "**Proportionate measurement**", a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance;

(a) "**Single proportionate measurement**", a measurement applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) "**Double proportionate measurement**", a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate dis-

tance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) "**Record distance**", the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

(L. 1979 H. B. 47 § 60.005)

**60.210.—(Repealed L. 1979 H. B. 47 § 1)**

**60.211. Resurvey of United States public land survey—rules.**—In the resurvey of the lands of the United States public land survey, the surveyor shall observe the following rules, to wit:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter.

(L. 1979 H. B. 47)

**60.215. Corners, original position to be determined.**—The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost.

(L. 1979 H. B. 47)

**60.220.—(Repealed L. 1979 H. B. 47 § 1)**

**60.225. Lost corners, reestablishment—rules.**—The following rules for the reestablishment of lost corners should be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners cannot be disturbed. Consequently, discrepancies between the new and record measurements will not in any manner affect the measurements beyond the existent corners; but the differences will be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels will be given precedence over other township exteriors, and, ordinarily, the latter will be given precedence over subdivisional lines; section corners will be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost standard corners will be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(4) All lost section and quarter-section corners on the township boundary lines will be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner;

(5) A lost interior corner of four sections will be reestablished by double proportionate measurement;

(6) A lost closing corner will be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(7) All lost quarter-section corners on the section boundaries within the township will be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished;

(8) Where a line has been terminated with a measurement in one direction only, a lost corner will be reestablished by record bearing and distance, counting from the nearest regular cor-

ner, the latter having been duly identified or reestablished.

(L. 1979 H. B. 47)

**60.230.—(Repealed L. 1979 H. B. 47 § 1)**

**60.235. Lost corners, monumentation, procedure—violation, deemed misconduct.**—For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing said reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1979 H. B. 47)

**60.240.—(Repealed L. 1979 H. B. 47 § 1)**

**60.245. Chapter to be construed, how.**—This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established prior to September 28, 1979.

(L. 1979 H. B. 47)

**60.250.—(Repealed L. 1979 H. B. 47 § 1)**

**60.255. Quarter-sections, established how.**—In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.

(L. 1979 H. B. 47)

**60.260.—(Repealed L. 1979 H. B. 47 § 1)**

**60.265. Quarter-quarter-sections, established how.**—In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by proportionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite

corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.

(L. 1979 H. B. 47)

**60.270.—(Repealed L. 1979 H. B. 47 § 1)**

**60.275. Fractional sections, established how.**—In subdividing a fractional section or quarter-section, the land surveyor will run his lines from property established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, watercourse, grant boundary, state line or other irregular boundary which renders such land fractional.

(L. 1979 H. B. 47)

**60.280.—(Repealed L. 1979 H. B. 47 § 1)**

**60.285. Corners of quarter-sections south of township line, east of range line, established how.**—The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished.

(L. 1979 H. B. 47)

**60.290, 60.300, 60.310, 60.330.—(Repealed L. 1979 H. B. 47 § 1)**

## DEPARTMENT OF NATURAL RESOURCES

**60.500.—(Repealed L. 1983 H.B. 68 § 1 Revision)**

**60.520.—(Repealed L. 1980 H. B. 1266 § 1)**

**60.590. Records to be furnished department—department to furnish records at cost.**—1. On request of the department of natural resources or the state land surveyor, all city

and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of natural resources or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of natural resources shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of natural resources may produce, reproduce and sell maps, plats, reports, studies, and records, and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of natural resources document services fund.

(L. 1969 S. B. 22 §§ 14, 16, A. L. 1979 H. B. 121)

Effective 7-1-80

**60.595. Document services fund, purpose—unexpended balances.**—1. The “Department of Natural Resources Document Services Fund” is hereby created. All funds received by the department of natural resources from the sale or resale of maps, plats, reports, studies, records and other publications and documents by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods or services that will ultimately be used to reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, but for no other purpose.

2. An unexpended balance in the fund at the end of the fiscal year not exceeding one hundred thousand dollars is exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the ordinary revenue fund.

(L. 1979 H. B. 121 § 2)

Effective 7-1-80

**RETAIN THIS 1984 SUPPLEMENT  
THE 1985 SUPPLEMENT WILL NOT BE CUMULATIVE**

1984  
CUMULATIVE SUPPLEMENT  
to the  
REVISED STATUTES  
of the  
STATE OF MISSOURI  
1978

Comprising all statute laws of a general nature adopted by the Eightieth General Assembly, 1979 and 1980, and the First and Second Regular Sessions of the Eighty-first General Assembly, 1981 and 1982, the Second Extraordinary Session, 1982, the First Regular Session of the Eighty-second General Assembly, 1983, the First Extraordinary Session, 1983, the Second Regular Session, 1984, and certain sections which are reprinted to correct typographical and editorial errors. Discard the 1983 Supplement.

Effective Date—1984 Laws  
2nd Regular Session, 82nd General Assembly  
AUGUST 13, 1984  
Except where another effective date  
is listed beneath the section.

**VOLUME 1**

With the exception of material reprinted to correct typographical and editorial errors, cite sections contained in this pamphlet as RSMo Supp.1984.

Compiled, arranged, classified and indexed  
under direction of

**COMMITTEE ON LEGISLATIVE RESEARCH  
1983-1984**

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Published by authority of Chapter 3, RSMo

3. The recorder of deeds in any city not within a county shall be allowed fees for his services as follows:

(1) For recording every deed or instrument: \$5.00 for the first page and \$3.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument, except surveys and plats: \$2.00 for the first page and \$1.00 for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: \$1.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: \$25.00 for each page of drawings and calculations plus \$5.00 for each page of other material;

(5) For recording a survey of one tract of land, in the form of one page: \$5.00;

(6) For copying a plat or survey: \$5.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: \$2.00;

(8) For releasing on the margin: \$5.00 for each item released;

(9) For a document which releases more than one item: \$5.00 for each item beyond one released in addition to any other charges which may apply; and

(10) For duplicate reels of microfilm: \$20.00 each.

For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.

(L. 1959 S. B. 26 § 1, A. L. 1984 S. B. 446)

**59.360.—(Repealed L. 1983 H. B. 713 § 1 Revision)**

**RECORDS**

**59.606.—(Repealed L. 1982 S. B. 478 § A)**

**Chapter 60**

**LAND SURVEYS**

**COUNTY SURVEYORS**

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- 60.100. May charge for services (second, third, and fourth class counties).

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- 60.215. Corners, original position to be determined.
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- 60.235. Lost corners, monumentation, procedure—violation, deemed misconduct.
- 60.245. Chapter to be construed, how.
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**DEPARTMENT OF NATURAL RESOURCES**

- 60.590. Records to be furnished department—department to furnish records at cost.
- 60.595. Document services fund, purpose—unexpended balances.

**COUNTY SURVEYORS**

**60.010. Surveyor to be elected in certain counties—qualifications—term.—**At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in classes two, three and four shall elect a registered land surveyor as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

(RSMo 1939 § 13190; A. L. 1945 p. 1759, A. L. 1978 H.B. 971, A. L. 1983 H.B. 133)

Prior revisions: 1929 § 11571; 1919 § 12709; 1909 § 11291

**60.100. May charge for services (second, third, and fourth class counties).—**In counties of the second, third or fourth class, the county surveyor may charge for his services such a sum as may be agreed upon by such surveyor and the person employing him. For that sum, the surveyor shall employ and pay for the

services of the necessary chainmen, rodmen and markers. For that sum, the surveyor shall furnish to the person employing him a plat of the survey made by him, and shall also record the plat as provided by law.

(L. 1945 p. 1575 § 2, A. L. 1983 H.B. 133)

**60.110.—(Repealed L. 1983 H.B. 133 § 1)**

**SURVEYS**

**60.115. Definitions.**—Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) **“Corners of the United States public land survey”**, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) **“Existent corner”**, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) **“Lost corner”**, a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) **“Monument”**, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) **“Obliterated, decayed or destroyed corner”**, an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends

upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) **“Original government survey”**, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of natural resources;

(7) **“Proportionate measurement”**, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance;

(a) **“Single proportionate measurement”**, a measurement applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) **“Double proportionate measurement”**, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) **“Record distance”**, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the

distance was measured on a random or true line.

(L. 1979 H. B. 47 § 60.005)

**60.210.—(Repealed L. 1979 H. B. 47 § 1)**

**60.211. Resurvey of United States public land survey—rules.**—In the resurvey of the lands of the United States public land survey, the surveyor shall observe the following rules, to wit:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter.

(L. 1979 H. B. 47)

**60.215. Corners, original position to be determined.**—The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost.

(L. 1979 H. B. 47)

**60.220.—(Repealed L. 1979 H. B. 47 § 1)**

**60.225. Lost corners, reestablishment—rules.**—The following rules for the reestablishment of lost corners should be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners cannot be disturbed. Consequently, discrepancies between the new and record measurements will not in any manner affect the measurements beyond the existent corners; but the differences will be

distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels will be given precedence over other township exteriors, and, ordinarily, the latter will be given precedence over subdivisional lines; section corners will be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost standard corners will be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(4) All lost section and quarter-section corners on the township boundary lines will be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner;

(5) A lost interior corner of four sections will be reestablished by double proportionate measurement;

(6) A lost closing corner will be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(7) All lost quarter-section corners on the section boundaries within the township will be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished;

(8) Where a line has been terminated with a measurement in one direction only, a lost corner will be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1979 H. B. 47)

**60.230.—(Repealed L. 1979 H. B. 47 § 1)**

**60.235. Lost corners, monumentation, procedure—violation, deemed misconduct.**—For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing said reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1979 H. B. 47)

**60.240.—(Repealed L. 1979 H. B. 47 § 1)**

**60.245. Chapter to be construed, how.—**This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established prior to September 28, 1979.

(L. 1979 H. B. 47)

**60.250.—(Repealed L. 1979 H. B. 47 § 1)**

**60.255. Quarter-sections, established how.—**In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.

(L. 1979 H. B. 47)

**60.260.—(Repealed L. 1979 H. B. 47 § 1)**

**60.265. Quarter-quarter-sections, established how.—**In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by proportionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.

(L. 1979 H. B. 47)

**60.270.—(Repealed L. 1979 H. B. 47 § 1)**

**60.275. Fractional sections, established how.—**In subdividing a fractional section or quarter-section, the land surveyor will run his lines from property established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, watercourse, grant boundary, state line or other irregular boundary which renders such land fractional.

(L. 1979 H. B. 47)

**60.280.—(Repealed L. 1979 H. B. 47 § 1)**

**60.285. Corners of quarter-sections south of township line, east of range line, established how.—**The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished.

(L. 1979 H. B. 47)

**60.290, 60.300, 60.310, 60.330.—(Repealed L. 1979 H. B. 47 § 1)**

## MISSOURI STATE COORDINATE SYSTEM

**60.400.—(Repealed L. 1984 S. B. 479 § 1)**

**60.401. Missouri state coordinate system established.—**The systems of plane coordinates which have been established by the National Ocean Survey/National Geodetic Survey, or its successors, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Missouri are hereafter to be known and designated as the "Missouri Coordinate System of 1927" and the "Missouri Coordinate System of 1983".

(L. 1984 S. B. 479)

**60.420.—(Repealed L. 1984 S. B. 479 § 1)**

**60.421. Zones, official names.—**1. As established for use in the east zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, East Zone" or "Missouri Coordinate System of 1983, East Zone".

2. As established for use in the central zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, Central Zone" or "Missouri Coordinate System of 1983, Central Zone".

3. As established for use in the west zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, West Zone" or

"Missouri Coordinate System of 1983, West Zone".

(L. 1984 S. B. 479)

**60.430.—(Repealed L. 1984 S. B. 479 § 1)**

**60.431. Location use of plane coordinate, to establish.**—The plane coordinate values for a point on the earth's surface, used to express the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances expressed in U.S. Survey Feet and decimals of a foot when using the Missouri coordinate system of 1927 and expressed in meters and decimals of a meter when using the Missouri coordinate system of 1983. One of these distances, to be known as the "x-coordinate", shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate", shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American Horizontal Geodetic Control Network, as published by the National Ocean Survey/National Geodetic Survey, or its successors, and whose plane coordinates have been computed on the systems defined in sections 60.401 to 60.481. Any such station may be used for establishing a survey connection to either Missouri coordinate system.

(L. 1984 S. B. 479)

**60.440.—(Repealed L. 1984 S. B. 479 § 1)**

**60.441. Descriptions involving more than one zone.**—When any tract of land to be defined by a single description extends from one into another of the coordinate zones set out in section 60.410, the positions of all points on its boundaries may be referred to as either of the zones and the zone which is used shall be specifically named in the description.

(L. 1984 S. B. 479)

**60.450.—(Repealed L. 1984 S. B. 479 § 1)**

**60.451. Missouri coordinate system zones precisely defined.**—1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees—30 minutes west of

Greenwich and the parallel 35 degrees—50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees—30 minutes west of Greenwich and the parallel of 35 degrees—50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees—30 minutes west of Greenwich and the parallel 36 degrees—10 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees—30 minutes west of Greenwich and the parallel 35 degrees—50 minutes north latitude. This origin is given the coordinates:  $x = 250,000$  meters and  $y = 0$  meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees—30 minutes west of Greenwich and the parallel of 35 degrees—50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  meters and  $y = 0$  meters;

(3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees—30 minutes

west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees—30 minutes west of Greenwich and the parallel 36 degrees—10 minutes north latitude. This origin is given the coordinates:  $x = 850,000$  meters and  $y = 0$  meters.

3. The position of either Missouri coordinate system shall be as marked on the ground by horizontal control stations established in conformity with the standards adopted by the department of natural resources for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates have been computed on the system defined in this section. Any such station may be used for establishing a survey connection with Missouri coordinate system.

(L. 1984 S. B. 479)

**60.460.—(Repealed L. 1984 S. B. 479 § 1)**

**60.461. Property descriptions not to be recorded unless containing a point within one kilometer of horizontal control station.**—No coordinates based on either Missouri coordinate system purporting to define the position of a point on a land boundary shall be presented to be recorded in any public land records or deed records unless the point is within one kilometer of a horizontal control station established in conformity with the standards prescribed in section 60.451; except that, such one kilometer limitation may be modified by the department of natural resources to meet local conditions.

(L. 1984 S. B. 479)

**60.470.—(Repealed L. 1984 S. B. 479 § 1)**

**60.471. Use of term limited.**—The use of the term "Missouri Coordinate System of 1927" or "Missouri Coordinate System of 1983" on any map, report of survey, or other document shall be limited to coordinates based on the Missouri coordinate system as defined in sections 60.401 to 60.491.

(L. 1984 S. B. 479)

**60.491. Missouri coordinate system of 1983 to be sole system after July 1990.**—The Missouri coordinate system of 1927 shall not be used after July, 1990; and the Missouri coordinate system of 1983 shall be the sole system after this date.

(L. 1984 S. B. 479)

**DEPARTMENT OF NATURAL RESOURCES**

**60.500.—(Repealed L. 1983 H.B. 68 § 1 Revision)**

**60.520.—(Repealed L. 1980 H. B. 1266 § 1)**

**60.590. Records to be furnished department—department to furnish records at cost.**—1. On request of the department of natural resources or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of natural resources or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of natural resources shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of natural resources may produce, reproduce and sell maps, plats, reports, studies, and records, and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of natural resources document services fund.

(L. 1969 S. B. 22 §§ 14, 16, A. L. 1979 H. B. 121)

Effective 7-1-80

**60.595. Document services fund, purpose—unexpended balances.**—1. The "Department of Natural Resources Document Services Fund" is hereby created. All funds received by the department of natural resources from the sale or resale of maps, plats, reports, studies, records and other publications and documents by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods or services that will ultimately be used to reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, but for no other purpose.

2. An unexpended balance in the fund at the end of the fiscal year not exceeding one hundred thousand dollars is exempt from the provisions of section 33.080, RSMo, relating to

the transfer of unexpended balances to the ordinary revenue fund.

(L. 1979 H. B. 121 § 2)

Effective 7-1-80

## Chapter 61

### COUNTY HIGHWAY ENGINEERS

#### SECOND, THIRD AND FOURTH CLASS COUNTIES

Sec.

61.190. Compensation (second, third and fourth class counties)—qualifications (second class counties)—salary fixed by county court (certain second class counties).

#### CERTAIN FIRST CLASS COUNTIES

61.121.—(Repealed L. 1979 H. B. 47 § 1)

#### SECOND, THIRD AND FOURTH CLASS COUNTIES

61.190. Compensation (second, third and fourth class counties)—qualifications (second class counties)—salary fixed by county court (certain second class counties).—1. In all counties of the second class except as provided in subsection 2 of this section the county highway engineer may receive an annual salary of ten thousand dollars and the county highway engineer shall be a qualified engineer having not less than eight years' experience in the field of civil engineering.

2. In all counties of the second class which contain all or part of a city having a population of three hundred fifty thousand or more persons, the county highway engineer shall receive an annual salary, to be fixed by the county court. The county highway engineer shall be a qualified engineer having not less than eight years' experience in the field of civil engineering. The county highway engineer may be given other responsibilities other than the construction and maintenance of highways and bridges, by the county court.

3. In all counties of the third and fourth class the county highway engineer shall receive an annual salary, to be fixed by the county court, not to exceed six thousand dollars per year in counties of class three, nor to exceed four thousand eight hundred dollars per year in counties of class four.

(RSMo 1939 § 13487, A. 1949 H. B. 2018, A. L. 1953 p. 385, A. L. 1957 p. 320, A. L. 1959 S. B. 71, A. L. 1963 p. 116, A. L. 1965 p. 175, A. L. 1972 H. B. 1070, A. L. 1982 S. B. 478)

Prior revisions: 1929 § 11855; 1919 § 11063

## Chapter 64

### COUNTY PLANNING, ZONING AND RECREATION

#### NONCHARTER FIRST CLASS COUNTIES

Sec.

64.211. Creation of county planning commission—election—ballot form.

64.212. Termination of county planning, election—ballot form.

#### PLANNING AND ZONING—SECOND AND THIRD CLASS COUNTIES

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#### PARKS AND RECREATION

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64.335. Park rangers, appointment, compensation, certification (Clay County).

64.810. Planning commission—general powers—rules—employees and consultants—expenditures limited—fees in certain counties.

1989

# CUMULATIVE SUPPLEMENT



to the

# REVISED STATUTES

of the

# STATE OF MISSOURI

1986

Comprising all statute laws of a general nature adopted by the First and Second Regular Sessions of the Eighty-fourth General Assembly 1987-1988, and the First Regular Session of the Eighty-fifth General Assembly 1989, the First Extraordinary Session 1989.

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(3) All marriage contracts and certificates of marriage;

(4) All commissions and official bonds required by law to be recorded in their offices;

(5) All written statements furnished to him for record, showing the sex and date of birth of any child or children, the name, business and residence of the father and maiden name of the mother of such child or children.

(RSMo 1939 § 13161, A.L. 1963 p. 115, A.L. 1985 H.B. 210, A.L. 1989 H.B. 786)

Prior revisions: 1929 § 11543; 1919 § 10568; 1909 § 10381

**RECORDERS**

**59.370.—(Repealed L. 1988 H.B. 1242 Revision § A)**

**59.600.—(Repealed L. 1987 S.B. 65, et al. E)**

Effective 1-1-88

# Chapter 60

## LAND SURVEYS

### COUNTY SURVEYORS

- Sec.
- 60.030. Oath—bond—receipt of records.
- 60.090. Deputies—oaths—qualifications.

### SURVEYS

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- 60.205. Failure to perform duties, civil action to obtain fine, amount.
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- 60.311. Corners original position to be determined.
- 60.315. Lost corners reestablishment—rules.
- 60.321. Lost corners, monumentation, procedure—violation deemed misconduct.
- 60.326. Law not to affect previous surveys.
- 60.331. Quarter-sections, how established.
- 60.335. Quarter-quarter sections, how established.
- 60.341. Fractional sections, how established.
- 60.345. Corners of quarter-sections south of township line, east of range line, how established.
- 60.351. Destruction of landmarks, duty of county surveyor to report.
- 60.360. United States field notes on county surveys obtained by county surveyor, cost how paid.

### COUNTY SURVEYORS

**60.030. Oath—bond—receipt of records.—**

Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum

not less than one thousand nor more than five thousand dollars, to be determined by the county commission, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county all county survey plat books.

(RSMo 1939 § 13192, A.L. 1989 H.B. 190, et al.)  
 Prior revisions: 1929 § 11573; 1919 § 12711; 1909 § 11293

**60.080.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.090. Deputies—oaths—qualifications.—** Deputies may be appointed by any county surveyor who, before they proceed to discharge their duties, shall take an oath to discharge faithfully, truly and well the duties of deputy surveyors. All deputy county surveyors shall be registered land surveyors.

(RSMo 1939 § 13208, A.L. 1989 H.B. 190, et al.)  
 Prior revisions: 1929 § 11589; 1919 § 12727; 1909 § 11309

### SURVEYS

**60.115.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.120. Survey, duty to make, fee.—**The county surveyor shall, within thirty days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same; provided, that his

agreed upon fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey.

(RSMo 1939 § 13199, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11580; 1919 § 12718; 1909 § 11300

**60.130. Survey, how made when surveyor interested.**—When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some registered land surveyor, who is a noninterested party, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services such reasonable fee as determined by the court.

(RSMo 1939 § 13201, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11582; 1919 § 12720; 1909 § 11302

**60.150. What survey shall be legal evidence.**—No survey or resurvey, hereafter made by any person, except that of the county surveyor or his deputy, shall be considered legal evidence in any court in this state. Only surveys made by the county surveyor are entitled to become part of the county surveyor's plat book.

(RSMo 1939 § 13200, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11581; 1919 § 12719; 1909 § 11301

**60.170. Surveyor to execute orders of court.**—The county surveyor shall execute all orders given to him directly by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate.

(RSMo 1939 § 13198, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11579; 1919 § 12717; 1909 § 11299

**60.180.—(Repealed L. 1989 H.B. 190 et al., § A)**

**60.185. County surveyors, duties.**—The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the county surveyor's plat book, and every such surveyor shall record in such book a plat of all surveys executed by

him or his deputies, within two weeks after the plat of survey has been certified to, and such books shall be kept at the county seat or city hall and subject to inspection by any person interested therein, under the supervision of the county surveyor for such county or city;

(2) Number his surveys progressively;

(3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as such records shall remain in his possession, and after such record shall have been deposited in the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence; to all intents and purposes, as the originals themselves;

(4) Maintain a copy of corner restoration documents as required in section 60.321 when provided by the Missouri department of natural resources, and subject to inspection and copying by any person interested therein during the normal office hours of the county, on payment of the fees allowed to the recorder for similar documents.

(L. 1989 H.B. 190, et al.)

**60.190.—(Repealed L. 1989 H.B. 190 et al., § A)**

**60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.**—The several county commissions in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Missouri department of natural resources a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines—the same to be filed in the office of the county surveyor of their counties, respectively.

(L. 1989 H.B. 190, et al.)

60.200. —(Repealed L. 1989 H.B. 190 et al., § A)

**60.205. Failure to perform duties, civil action to obtain fine, amount.**—Any county surveyor who shall fail to perform the duties required of him by this chapter shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party.

(L. 1989 H.B. 190, et al.)

**60.211, 60.215, 60.225, 60.235, 60.245, 60.255, 60.265, 60.275, 60.285.**—(Repealed L. 1989 H.B. 190 et al., § A)

**60.301. Definitions.**—Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) **“Corners of the United States public land survey”**, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) **“Existent corner”**, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) **“Lost corner”**, a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) **“Monument”**, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) **“Obliterated, decayed or destroyed corner”**, an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) **“Original government survey”**, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of natural resources;

(7) **“Proportionate measurement”**, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) **“Single proportionate measurement”**, a measurement applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) **“Double proportionate measurement”**, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude

of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) **"Record distance"**, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line. (L. 1989 H.B. 190, et al.)

**60.305. Resurvey of United States land survey—rules.**—In the resurvey of the lands of the United States public land survey, the surveyor shall observe the following rules:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter. (L. 1989 H.B. 190, et al.)

**60.311. Corners original position to be determined.**—The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost. (L. 1989 H.B. 190, et al.)

**60.315. Lost corners reestablishment—rules.**—The following rules for the reestablishment of lost corners should be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed un-

less it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners cannot be disturbed. Consequently, discrepancies between the new and record measurements will not in any manner affect the measurements beyond the existent corners; but the differences will be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels will be given precedence over other township exteriors, and, ordinarily, the latter will be given precedence over subdivisional lines; section corners will be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost standard corners will be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(4) All lost section and quarter-section corners on the township boundary lines will be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner;

(5) A lost interior corner of four sections will be reestablished by double proportionate measurement;

(6) A lost closing corner will be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(7) All lost quarter-section corners on the section boundaries within the township will be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished;

(8) Where a line has been terminated with a measurement in one direction only, a lost corner will be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1989 H.B. 190, et al.)

**60.320.—(Repealed L. 1989 H.B. 190 et al., § A)**

**60.321. Lost corners, monumentation, procedure—violation deemed misconduct.**—For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing such reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1989 H.B. 190, et al.)

**60.326. Law not to affect previous surveys.**—This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established prior to September 28, 1979.

(L. 1989 H.B. 190, et al.)

**60.331. Quarter-sections, how established.**—In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.

(L. 1989 H.B. 190, et al.)

**60.335. Quarter-quarter sections, how established.**—In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by proportionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.

(L. 1989 H.B. 190, et al.)

**60.340.—(Repealed L. 1989 H.B. 190 et al., § A)**

**60.341. Fractional sections, how established.**—In subdividing a fractional section or quarter-section, the land surveyor will run his lines from properly established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, watercourse, grant boundary, state line or other irregular boundary which renders such land fractional.

(L. 1989 H.B. 190, et al.)

**60.345. Corners of quarter-sections south of township line, east of range line, how established.**—The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished.

(L. 1989 H.B. 190, et al.)

**60.350.—(Repealed L. 1989 H.B. 190 et al., § A)**

**60.351. Destruction of landmarks, duty of county surveyor to report.**—It shall be the duty of every county surveyor and every deputy county surveyor to report as soon as practicable all violations of law relative to the destruction of landmarks that come under their observation, or of which they have knowledge, to the grand jury or to the prosecuting attorney of the county in which the violation occurs.

(L. 1989 H.B. 190, et al.)

**60.360. United States field notes on county surveys obtained by county surveyor, cost how paid.**—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in section 60.195, the county commission shall make a reasonable allowance to such surveyor for such copy, which shall thereafter become the property of the county, and be filed; except that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor.

(RSMo 1939 § 13210, A.L. 1989 H.B. 190, et al.)  
Prior revisions: 1929 § 11591; 1919 § 12729; 1909 § 11311

**60.370, 60.380.—(Repealed L. 1989 H.B. 190 et al., § A)**

# Chapter 61

## COUNTY HIGHWAY ENGINEERS

### SECOND, THIRD AND FOURTH CLASS COUNTIES

Sec.  
61.190. Compensation, amount (second, third, fourth class counties).

the second, third and fourth class, the county highway engineer shall receive an annual salary, to be fixed by the county commission.

(RSMo 1939 § 13487, A. 1949 H.B. 2018, A.L. 1953 p. 385, A.L. 1957 p. 320, A.L. 1959 S.B. 71, A.L. 1963 p. 116, A.L. 1965 p. 175, A.L. 1972 H.B. 1070, A.L. 1982 S.B. 478, A.L. 1989 H.B. 612)

### SECOND, THIRD AND FOURTH CLASS COUNTIES

**61.190. Compensation, amount (second, third, fourth class counties).**—In all counties of

Prior revisions: 1929 § 11855; 1919 § 11063

Effective 6-19-89

# Chapter 64

## COUNTY PLANNING, ZONING AND RECREATION

### PLANNING AND ZONING—FIRST CLASS CHARTER COUNTIES

Sec.  
64.090. Planning and zoning powers of county commission—group homes considered single family dwelling (certain first class counties)  
64.140. Amendment of regulations—protests (certain first class counties).

### PLANNING AND ZONING—SECOND AND THIRD CLASS COUNTIES

64.670. Amendment of regulations—hearings—protests (second and third class counties).

### ALTERNATIVE COUNTY PLANNING AND ZONING

64.875. Amendment of regulations—hearings—protests.  
64.900. Termination or continuation of county planning, zoning—election.

### NONCHARTER FIRST CLASS COUNTIES

64.271. Change in regulations and districts, hearing before commission—effect of protest (noncharter first class counties).

### CROSS REFERENCE

Township organization counties, township zoning, RSMo 65.650 to 65.700

### PARKS AND RECREATION

64.330. Board of park commissioners—appointment—duties (first class counties).  
64.341. County commissions may lease lands and grant concessions for recreational and other purposes—procedure—county commission may operate (first class counties).  
64.342. Park concession stands, county operated, funds go to county park fund (Clay County).

### PLANNING AND ZONING—FIRST CLASS CHARTER COUNTIES

**64.090. Planning and zoning powers of county commission—group homes considered single family dwelling (certain first class counties)—1.** For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building

1990

# CUMULATIVE SUPPLEMENT

to the

# REVISED STATUTES

of the

# STATE OF MISSOURI

1986

Comprising all statute laws of a general nature adopted by the First and Second Regular Sessions of the Eighty-fourth General Assembly 1987-1988, the First Regular Session of the Eighty-fifth General Assembly 1989, the First Extraordinary Session 1989, and the Second Regular Session of the Eighty-fifth General Assembly 1990.

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Published by authority of Chapter 3, RSMo

recorders fund and not in county general revenue for record storage, microfilming, and preservation.

2. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited in the amount of one dollar for each fee collected to an account to be utilized for the purposes of sections 60.500 to 60.610, RSMo, and in the amount of one dollar for each fee collected to an account to be utilized by the secretary of state for additional preservation of local records.

(L. 1969 p. 123 § 17, A.L. 1985 H.B. 320, A.L. 1989 H.B. 786)

**59.330. What shall be recorded.**—It shall be the duty of recorders to record:

(1) All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods and chattels, which shall be proved or acknowledged according to law, and authorized to be recorded in their offices; all instruments affecting real estate, except supplemental indentures of utility companies and rural electric cooperatives, must contain a legal description of lands and all deeds, except deeds of easement or right-of-way conveying any lands or tenements must contain a mailing address of one of the grantees

named in the instrument, and the recorder of deeds shall not record such instrument absent such address or legal description; provided, however, that the statutory constructive notice or the validity of the instrument shall not be affected by the absence of the address or the absence of the legal description;

(2) All papers and documents found in their respective offices, of and concerning lands and tenements, or goods and chattels, and which were received from the Spanish and French authorities at the change of government;

(3) All marriage contracts and certificates of marriage;

(4) All commissions and official bonds required by law to be recorded in their offices;

(5) All written statements furnished to him for record, showing the sex and date of birth of any child or children, the name, business and residence of the father and maiden name of the mother of such child or children.

(RSMo 1939 § 13161, A.L. 1963 p. 115, A.L. 1985 H.B. 210, A.L. 1989 H.B. 786, A.L. 1990 H.B. 1190)

Prior revisions: 1929 § 11543; 1919 § 10568; 1909 § 10381

**59.370.—(Repealed L. 1988 H.B. 1242 Revision § A)**

**59.600.—(Repealed L. 1987 S.B. 65, et al. § E)**

Effective 1-1-88

## Chapter 60

### LAND SURVEYS

#### COUNTY SURVEYORS

- Sec.  
60.030. Oath—bond—receipt of records.  
60.090. Deputies—oaths—qualifications.

#### SURVEYS

- 60.120. Survey, duty to make, fee.  
60.130. Survey, how made when surveyor interested.  
60.150. What survey shall be legal evidence.  
60.170. Surveyor to execute orders of court.  
60.185. County surveyors, duties.  
60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.  
60.205. Failure to perform duties, civil action to obtain fine, amount.  
60.301. Definitions.  
60.305. Resurvey of United States land survey—rules.  
60.311. Corners original position to be determined.  
60.315. Lost corners reestablishment—rules.  
60.321. Lost corners, monumentation, procedure—violation deemed misconduct.  
60.326. Law not to affect previous surveys.

- Sec.  
60.331. Quarter-sections, how established.  
60.335. Quarter-quarter sections, how established.  
60.341. Fractional sections, how established.  
60.345. Corners of quarter-sections south of township line, east of range line, how established.  
60.351. Destruction of landmarks, duty of county surveyor to report.  
60.360. United States field notes on county surveys obtained by county surveyor, cost how paid.  
60.650. Certain surveys to be filed with recorder.  
60.653. Recorder of deeds, duties—copies of plats to be evidence when certified.  
60.657. Plat not required to be filed, when.  
60.659. Penalties.  
60.660. Survey to constitute improvement.

#### COUNTY SURVEYORS

**60.030. Oath—bond—receipt of records.**—Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath

prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county commission, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county all county survey plat books.

(RSMo 1939 § 13192, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11573; 1919 § 12711; 1909 § 11293

**60.080.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.090. Deputies—oaths—qualifications.—**

Deputies may be appointed by any county surveyor who, before they proceed to discharge their duties, shall take an oath to discharge faithfully, truly and well the duties of deputy surveyors. All deputy county surveyors shall be registered land surveyors.

(RSMo 1939 § 13208, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11589; 1919 § 12727; 1909 § 11309

**SURVEYS**

**60.115.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.120. Survey, duty to make, fee.—**The county surveyor shall, within thirty days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same; provided, that his agreed upon fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey.

(RSMo 1939 § 13199, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11580; 1919 § 12718; 1909 § 11300

**60.130. Survey, how made when surveyor interested.—**When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some registered land surveyor, who is a noninterested party, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services such reasonable fee as determined by the court.

(RSMo 1939 § 13201, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11582; 1919 § 12720; 1909 § 11302

**60.150. What survey shall be legal evidence.**

—No survey or resurvey, hereafter made by any person, except that of the county surveyor or his deputy, shall be considered legal evidence in any court in this state. Only surveys made by the county surveyor are entitled to become part of the county surveyor's plat book.

(RSMo 1939 § 13200, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11581; 1919 § 12719; 1909 § 11301

**60.170. Surveyor to execute orders of court.**

—The county surveyor shall execute all orders given to him directly by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate.

(RSMo 1939 § 13198, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11579; 1919 § 12717; 1909 § 11299

**60.180.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.185. County surveyors, duties.—**The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the county surveyor's plat book, and every such surveyor shall record in such book a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey has been certified to, and such books shall be kept at the county seat or city hall and subject to inspection by any person interested therein, under the supervision of the county surveyor for such county or city;

(2) Number his surveys progressively;

(3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as such records shall remain in his possession, and after such record shall have been deposited in the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence; to all intents and purposes, as the originals themselves;

(4) Maintain a copy of corner restoration documents as required in section 60.321 when provided by the Missouri department of natural

resources, and subject to inspection and copying by any person interested therein during the normal office hours of the county on payment of the fees allowed to the recorder for similar documents.

(L. 1989 H.B. 190, et al.)

**60.190.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.**—The several county commissions in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Missouri department of natural resources a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines—the same to be filed in the office of the county surveyor of their counties, respectively.

(L. 1989 H.B. 190, et al.)

**60.200.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.205. Failure to perform duties, civil action to obtain fine, amount.**—Any county surveyor who shall fail to perform the duties required of him by this chapter shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party.

(L. 1989 H.B. 190, et al.)

**60.211, 60.215, 60.225, 60.235, 60.245, 60.255, 60.265, 60.275, 60.285.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.301. Definitions.**—Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) **“Corners of the United States public land survey”**, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) **“Existent corner”**, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) **“Lost corner”**, a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) **“Monument”**, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) **“Obliterated, decayed or destroyed corner”**, an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) **“Original government survey”**, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of natural resources;

(7) **“Proportionate measurement”**, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) **“Single proportionate measurement”**, a measurement applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) **“Double proportionate measurement”**, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existing corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existing corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) **“Record distance”**, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

(L. 1989 H.B. 190, et al.)

**60.305. Resurvey of United States land survey—rules.**—In the resurvey of the lands of the United States public land survey, the surveyor shall observe the following rules:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter.

(L. 1989 H.B. 190, et al.)

**60.311. Corners original position to be determined.**—The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost.

(L. 1989 H.B. 190, et al.)

**60.315. Lost corners reestablishment—rules.**—The following rules for the reestablishment of lost corners should be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners cannot be disturbed. Consequently, discrepancies between the new and record measurements will not in any manner affect the measurements beyond the existent corners; but the differences will be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels will be given precedence over other township exteriors, and, ordinarily, the latter will be given precedence over subdivisional lines; section corners will be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost standard corners will be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(4) All lost section and quarter-section corners on the township boundary lines will be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner;

(5) A lost interior corner of four sections will be reestablished by double proportionate measurement;

(6) A lost closing corner will be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(7) All lost quarter-section corners on the section boundaries within the township will be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished;

(8) Where a line has been terminated with a measurement in one direction only, a lost corner will be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1989 H.B. 190, et al.)

**60.320.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.321. Lost corners, monumentation, procedure—violation deemed misconduct.**—For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing such reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1989 H.B. 190, et al.)

**60.326. Law not to affect previous surveys.**—This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established prior to September 28, 1979.

(L. 1989 H.B. 190, et al.)

**60.331. Quarter-sections, how established.**—In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.

(L. 1989 H.B. 190, et al.)

**60.335. Quarter-quarter sections, how established.**—In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by proportionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.

(L. 1989 H.B. 190, et al.)

**60.340.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.341. Fractional sections, how established.**—In subdividing a fractional section or quarter-section, the land surveyor will run his lines from properly established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, watercourse, grant boundary, state line or other irregular boundary which renders such land fractional.

(L. 1989 H.B. 190, et al.)

**60.345. Corners of quarter-sections south of township line, east of range line, how established.**—The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished.

(L. 1989 H.B. 190, et al.)

**60.350.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.351. Destruction of landmarks, duty of county surveyor to report.**—It shall be the duty of every county surveyor and every deputy county surveyor to report as soon as practicable all violations of law relative to the destruction of

landmarks that come under their observation, or of which they have knowledge, to the grand jury or to the prosecuting attorney of the county in which the violation occurs.

(L. 1989 H.B. 190, et al.)

**60.360. United States field notes on county surveys obtained by county surveyor, cost how paid.**—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in section 60.195, the county commission shall make a reasonable allowance to such surveyor for such copy, which shall thereafter become the property of the county, and be filed; except that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor.

(RSMo 1939 § 13210, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11591; 1919 § 12729; 1909 § 11311

**60.370, 60.380.—(Repealed L. 1989 H.B. 190, et al., § A)**

**60.650. Certain surveys to be filed with recorder.**—For the purpose of preserving evidence of land surveys, every surveyor who establishes, restores, or reestablishes one or more corners that create a new parcel of land shall file the results of such survey with the recorder of deeds in the county or counties in which the survey is situated within sixty days after the survey has been certified.

(L. 1990 S.B. 580)

**60.653. Recorder of deeds, duties—copies of plats to be evidence when certified.**—1. It shall be the duty of the recorder of deeds to maintain

a copy of all survey plats delivered to his custody in an appropriate file medium capable of reproduction.

2. Survey plats shall be placed in the plat books or such other record books as have been previously established.

3. A duplicate of the recorded survey plat shall be provided to the land survey division of the department of natural resources at an amount not to exceed the actual cost of the duplicate.

4. The recorder shall maintain an index of all survey plats, subdivision plats, and condominium plats by section, township, and range and by subdivision or condominium name.

5. Copies of survey plats shall be evidence in all courts of justice when properly certified under the hand and official seal of the recorder.

(L. 1990 S.B. 580)

**60.657. Plat not required to be filed, when.**—A survey plat is not required to be filed when:

(1) It is of a preliminary nature illustrating ideas and intentions and not the results of a survey;

(2) It has been recorded under any other provision of law.

(L. 1990 S.B. 580)

**60.659. Penalties.**—Any surveyor who fails to comply with any provisions of this chapter shall be guilty of misconduct in the practice of land surveying.

(L. 1990 S.B. 580)

**60.660. Survey to constitute improvement.**—A recorded survey shall constitute an improvement to the property under section 429.015, RSMo.

(L. 1990 S.B. 580)

## Chapter 61

### COUNTY HIGHWAY ENGINEERS

#### CERTAIN FIRST CLASS COUNTIES

Sec.  
61.071. Inspections, when made—action to be taken, report of (certain first class counties).

#### SECOND, THIRD AND FOURTH CLASS COUNTIES

61.190. Compensation, amount (second, third, fourth class counties).  
61.240. General duties (second, third and fourth class counties).

#### CERTAIN FIRST CLASS COUNTIES

**61.071. Inspections, when made—action to be taken, report of (certain first class counties).**—The highway administrator shall personally, or by deputy, regularly inspect the condition of all public highways, roads, bridges and culverts in the county, and in pursuance of orders of the

1993

CUMULATIVE  
SUPPLEMENT

Property  
of  
LEGISLATIVE LIBRARY  
STATE OF  
MISSOURI

to the

REVISED STATUTES

of the

STATE OF MISSOURI

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Comprising all statutory laws of a general nature adopted by:

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LARRY THOMASON  
VICE CHAIRMAN  
STEPHEN BANTON  
DOYLE CHILDERS  
FRED E. "GENE" COPELAND  
W.T. DAWSON  
RAYMOND W. "BILL" HAND  
CHRISTOPHER S. KELLY  
DAVID KLARICH  
SHEILA LUMPE  
ANNETTE N. MORGAN

over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation.

2. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited in the amount of one dollar for each fee collected to an account to be utilized for the purposes of sections 60.500 to 60.610, RSMo, and in the amount of one dollar for each fee collected to an account to be utilized by the secretary of state for additional preservation of local records.

(L. 1969 p. 123 § 17, A.L. 1985 H.B. 320, A.L. 1989 H.B. 786)

**59.330. What shall be recorded.**—It shall be the duty of recorders to record:

(1) All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods and chattels, which shall be proved or acknowledged according to law, and authorized to be recorded in their offices; all instruments affecting real estate, except supplemental indentures of utility companies and rural

electric cooperatives, must contain a legal description of lands and all deeds, except deeds of easement or right-of-way conveying any lands or tenements must contain a mailing address of one of the grantees named in the instrument, and the recorder of deeds shall not record such instrument absent such address or legal description; provided, however, that the statutory constructive notice or the validity of the instrument shall not be affected by the absence of the address or the absence of the legal description;

(2) All papers and documents found in their respective offices, of and concerning lands and tenements, or goods and chattels, and which were received from the Spanish and French authorities at the change of government;

(3) All marriage contracts and certificates of marriage;

(4) All commissions and official bonds required by law to be recorded in their offices;

(5) All written statements furnished to him for record, showing the sex and date of birth of any child or children, the name, business and residence of the father and maiden name of the mother of such child or children.

(RSMo 1939 § 13161, A.L. 1963 p. 115, A.L. 1985 H.B. 210, A.L. 1989 H.B. 786, A.L. 1990 H.B. 1190)

Prior revisions: 1929 § 11543; 1919 § 10568; 1909 § 10381

**59.370.**—(Repealed L. 1988 H.B. 1242 Revision § A)

**59.600.**—(Repealed L. 1987 S.B. 65, et al. § E)

Effective 1-1-88

## Chapter 60

### LAND SURVEYS

#### COUNTY SURVEYORS

- Sec.  
60.030. Oath—bond—receipt of records.  
60.090. Deputies—oaths—qualifications.

#### SURVEYS

- 60.120. Survey, duty to make, fee.  
60.130. Survey, how made when surveyor interested.

- 60.150. Survey may be legal evidence, standards for survey.  
60.170. Surveyor to execute orders of court.  
60.185. County surveyors, duties.  
60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.  
60.205. Failure to perform duties, civil action to obtain fine, amount.  
60.301. Definitions.  
60.305. Resurvey of United States land survey—rules.  
60.311. Corners original position to be determined.

- 60.315. Lost corners reestablishment rules.
- 60.321. Lost corners, monumentation, procedure violation deemed misconduct.
- 60.326. Law not to affect previous surveys.
- 60.331. Quarter-sections, how established.
- 60.335. Quarter-quarter sections, how established.
- 60.341. Fractional sections, how established.
- 60.345. Corners of quarter-sections south of township line, east of range line, how established.
- 60.351. Destruction of landmarks, duty of county surveyor to report.
- 60.360. United States field notes on county surveys obtained by county surveyor -- cost, how paid.

### DEPARTMENT OF NATURAL RESOURCES

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- 60.653. Recorder of deeds, duties--copies of plats to be evidence when certified.
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- 60.659. Penalties.
- 60.660. Survey to constitute improvement.

### COUNTY SURVEYORS

**60.030. Oath—bond—receipt of records.—** Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county commission, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county all county survey plat books.

(RSMo 1939 § 13192, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11573; 1919 § 12711; 1909 § 11293

**60.080.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.090. Deputies—oaths—qualifications.—** Deputies may be appointed by any county surveyor who, before they proceed to discharge their duties, shall take an oath to discharge faithfully, truly and well the duties of deputy surveyors. All deputy county surveyors shall be registered land surveyors.

(RSMo 1939 § 13208, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11589; 1919 § 12727; 1909 § 11309

### SURVEYS

**60.115.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.120. Survey, duty to make, fee.—**The county surveyor shall, within thirty days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same; provided, that his agreed upon fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey.

(RSMo 1939 § 13199, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11580; 1919 § 12718; 1909 § 11300

**60.130. Survey, how made when surveyor interested.—**When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some registered land surveyor, who is a noninterested party, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services such reasonable fee as determined by the court.

(RSMo 1939 § 13201, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11582; 1919 § 12720; 1909 § 11302

**60.150. Survey may be legal evidence, standards for survey.—**No survey or resurvey shall be admitted into evidence in any court in this state unless it is made by a registered land surveyor, and it can be shown that the survey is located by measurements to monuments of the section, United States survey, subdivision, or other unit in which the property is legally described. A survey may not be rejected, after August 28, 1991, solely on the grounds that it did not commence at a government corner.

(RSMo 1939 § 13200, A.L. 1989 H.B. 190, et al., A.L. 1991 H.B. 403, A.L. 1993 H.B. 621)

Prior revisions: 1929 § 11581; 1919 § 12719; 1909 § 11301

**60.170. Surveyor to execute orders of court.—**The county surveyor shall execute all orders given to him directly by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the

partition of real estate.

(RSMo 1939 § 13198, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11579; 1919 § 12717; 1909 § 11299

**60.180.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.185. County surveyors, duties.**—The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the county surveyor's plat book, and every such surveyor shall record in such book a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey has been certified to, and such books shall be kept at the county seat or city hall and subject to inspection by any person interested therein, under the supervision of the county surveyor for such county or city;

(2) Number his surveys progressively;

(3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as such records shall remain in his possession, and after such record shall have been deposited in the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the originals themselves;

(4) Maintain a copy of corner restoration documents as required in section 60.321 when provided by the Missouri department of natural resources, and subject to inspection and copying by any person interested therein during the normal office hours of the county on payment of the fees allowed to the recorder for similar documents.

(L. 1989 H.B. 190, et al.)

**60.190.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.**—The several county commissions in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Missouri department of natural resources a

certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines—the same to be filed in the office of the county surveyor of their counties, respectively.

(L. 1989 H.B. 190, et al.)

**60.200.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.205. Failure to perform duties, civil action to obtain fine, amount.**—Any county surveyor who shall fail to perform the duties required of him by this chapter shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party.

(L. 1989 H.B. 190, et al.)

**60.211.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.215.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.225.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.235.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.245.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.255.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.265.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.275.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.285.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.301. Definitions.**—Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) **“Corners of the United States public land survey”**, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township

corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) **"Existent corner"**, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) **"Lost corner"**, a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) **"Monument"**, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) **"Obliterated, decayed or destroyed corner"**, an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) **"Original government survey"**, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of natural resources;

(7) **"Proportionate measurement"**, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so

distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) **"Single proportionate measurement"**, a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) **"Double proportionate measurement"**, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) **"Record distance"**, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

(L. 1989 H.B. 190, et al.)

**60.305. Resurvey of United States land survey—rules.**—In the resurvey of the lands of the United States public land survey, the surveyor shall observe the following rules:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter.

(L. 1989 H.B. 190, et al.)

**60.311. Corners original position to be determined.**—The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost.

(L. 1989 H.B. 190, et al.)

**60.315. Lost corners reestablishment—rules.**—The following rules for the reestablishment of lost corners should be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners cannot be disturbed. Consequently, discrepancies between the new and record measurements will not in any manner affect the measurements beyond the existent corners; but the differences will be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels will be given precedence over other township exteriors, and, ordinarily, the latter will be given precedence over subdivisional lines; section corners will be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost standard corners will be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or

closing corners on opposite sides of the lost corner or corners, as the case may be;

(4) All lost section and quarter-section corners on the township boundary lines will be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner;

(5) A lost interior corner of four sections will be reestablished by double proportionate measurement;

(6) A lost closing corner will be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(7) All lost quarter-section corners on the section boundaries within the township will be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished;

(8) Where a line has been terminated with a measurement in one direction only, a lost corner will be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1989 H.B. 190, et al.)

**60.320.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.321. Lost corners, monumentation, procedure—violation deemed misconduct.**—For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing such reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1989 H.B. 190, et al.)

**60.326. Law not to affect previous surveys.**—This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established

prior to September 28, 1979.  
(L. 1989 H.B. 190, et al.)

**60.331. Quarter-sections, how established.**—In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.  
(L. 1989 H.B. 190, et al.)

**60.335. Quarter-quarter sections, how established.**—In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by proportionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.  
(L. 1989 H.B. 190, et al.)

**60.340.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.341. Fractional sections, how established.**—In subdividing a fractional section or quarter-section, the land surveyor will run his lines from properly established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, watercourse, grant boundary, state line or other irregular boundary which renders such land fractional.  
(L. 1989 H.B. 190, et al.)

**60.345. Corners of quarter-sections south of township line, east of range line, how established.**—The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the

quarter-section corner being established, the section corners having first been identified or reestablished.  
(L. 1989 H.B. 190, et al.)

**60.350.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.351. Destruction of landmarks, duty of county surveyor to report.**—It shall be the duty of every county surveyor and every deputy county surveyor to report as soon as practicable all violations of law relative to the destruction of landmarks that come under their observation, or of which they have knowledge, to the grand jury or to the prosecuting attorney of the county in which the violation occurs.  
(L. 1989 H.B. 190, et al.)

**60.360. United States field notes on county surveys obtained by county surveyor—cost, how paid.**—In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in section 60.195, the county commission shall make a reasonable allowance to such surveyor for such copy, which shall thereafter become the property of the county, and be filed; except that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefor.  
(RSMo 1939 § 13210, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11591; 1919 § 12729; 1909 § 11311

**60.370.—(Repealed L. 1989 H.B. 190, et al. § A)**

**60.380.—(Repealed L. 1989 H.B. 190, et al. § A)**

## DEPARTMENT OF NATURAL RESOURCES

**60.595. Department revolving services fund, purpose—unexpended balances.**—1. The "Department of Natural Resources Revolving Services Fund" is hereby created. All funds received by the department of natural resources from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the

fund shall be used to purchase goods or services that will ultimately be used to reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, laboratory services, core library fees, workshops, conferences, interdivisional cooperative agreements, but for no other purpose.

2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one hundred thousand dollars is exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

3. The department of natural resources shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

(L. 1979 H.B. 121 § 2, A.L. 1993 S.B. 80, et al.)  
Effective 7-1-94

**60.620. Land survey advisory commission established — appointment — terms — qualifications — chairman, selection — meetings, quorum — expenses — duties — annual report, content to be public.**—1. There is hereby created the "Land Survey Advisory Committee", within the department of natural resources. The committee shall consist of five members appointed by the director of the department of natural resources. Members of the committee shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years.

2. The advisory committee shall consist of persons who reside in this state and are not employed by the department of natural resources. Three members shall be registered land surveyors, one of which shall be a county surveyor. One member shall represent the real estate or land title industry.

3. The advisory committee shall elect a chairman annually. The committee shall meet semiannually and at other such times as called by the chairman of the committee and shall have a quorum when at least three members are present.

4. The advisory committee members shall serve without compensation but shall be reimbursed for actual and necessary expenses in-

curred in the performance of their official duties.

5. The advisory committee shall provide the director of the department of natural resources with advice and counsel on the planning and prioritization of the program and the design of regulations needed to carry out the functions, duties, and responsibilities of the department of natural resources.

6. The committee shall, at least annually, prepare a report, which shall be available to the general public, of the review by the committee of the land survey program, stating its findings, conclusions, and recommendations to the director.

(L. 1991 H.B. 403)

**60.650. Certain surveys to be filed with recorder.**—For the purpose of preserving evidence of land surveys, every surveyor who establishes, restores, or reestablishes one or more corners that create a new parcel of land shall file the results of such survey with the recorder of deeds in the county or counties in which the survey is situated within sixty days after the survey has been certified.

(L. 1990 S.B. 580)

**60.653. Recorder of deeds, duties—copies of plats to be evidence when certified.**—1. It shall be the duty of the recorder of deeds to maintain a copy of all survey plats delivered to his custody in an appropriate file medium capable of reproduction.

2. Survey plats shall be placed in the plat books or such other record books as have been previously established.

3. A duplicate of the recorded survey plat shall be provided to the land survey division of the department of natural resources at an amount not to exceed the actual cost of the duplicate.

4. The recorder shall maintain an index of all survey plats, subdivision plats, and condominium plats by section, township, and range and by subdivision or condominium name.

5. Copies of survey plats shall be evidence in all courts of justice when properly certified under the hand and official seal of the recorder.

(L. 1990 S.B. 580)

**60.657. Plat not required to be filed, when.**—A survey plat is not required to be filed when:

(1) It is of a preliminary nature illustrating ideas and intentions and not the results of a survey;

(2) It has been recorded under any other provision of law.

(L. 1990 S.B. 580)

**60.659. Penalties.**—Any surveyor who fails to comply with any provisions of this

chapter shall be guilty of misconduct in the practice of land surveying.

(L. 1990 S.B. 580)

**60.660. Survey to constitute improvement.**

—A recorded survey shall constitute an improvement to the property under section 429.015, RSMo.

(L. 1990 S.B. 580)

## Chapter 61

### COUNTY HIGHWAY ENGINEERS

#### CERTAIN FIRST CLASS COUNTIES

Sec.  
61.071. Inspections, when made—action to be taken, report of (certain first class counties).

#### SECOND, THIRD AND FOURTH CLASS COUNTIES

61.190. Compensation, amount (second, third and fourth class counties).  
61.240. General duties (second, third and fourth class counties).

#### CERTAIN FIRST CLASS COUNTIES

**61.071. Inspections, when made—action to be taken, report of (certain first class counties).**—The highway administrator shall personally, or by deputy, regularly inspect the condition of all public highways, roads, bridges and culverts in the county, and in pursuance of orders of the county commission or upon the written complaint of three or more registered voters in the county directed to the highway administrator of a condition of disrepair of any road or highway or of a dangerous or unsafe condition of any highway, road, bridge or culvert in the county, or of the neglect of a contractor performing work of any character on any public highways, roads, bridges and culverts, the highway administrator shall investigate the complaint at once and report to the county commission and shall make such adjustment, repair or corrections as are necessary; and he shall make a written record or report of the final disposition of such complaint to the county commission.

(L. 1973 H.B. 715, A.L. 1990 H.B. 1070)

#### SECOND, THIRD AND FOURTH CLASS COUNTIES

**61.190. Compensation, amount (second, third and fourth class counties).**—In all counties of the second, third and fourth class, the county highway engineer shall receive an annual salary, to be fixed by the county commission.

(RSMo 1939 § 13487, A. 1949 H.B. 2018, A.L. 1953 p. 385, A.L. 1957 p. 320, A.L. 1959 S.B. 71, A.L. 1963 p. 116, A.L. 1965 p. 175, A.L. 1972 H.B. 1070, A.L. 1982 S.B. 478, A.L. 1989 H.B. 612)

Prior revisions: 1929 § 11855; 1919 § 11063

Effective 6-19-89

**61.240. General duties (second, third and fourth class counties).**—The county highway engineer shall, personally or by deputy, inspect the roads, culverts and bridges of every district in the county as often as practicable, and upon written complaint of three registered voters in any district of the bad or dangerous condition of the roads, bridges or culverts of the district, or of the neglect of duty by any road overseer of the district, or of neglect of any contractor on roads let by contract, the county highway engineer at once shall visit the road and investigate the complaint, and if found necessary at once shall direct the overseer of the district to place the road in good condition.

(L. 1913 p. 699 § 1, RSMo 1939 § 8663, A.L. 1959 S.B. 71, A.L. 1990 H.B. 1070)

1999  
CUMULATIVE SUPPLEMENT  
to the  
**REVISED STATUTES**  
of the  
STATE OF MISSOURI  
1994

Comprising all statute laws of a general nature adopted by the  
**First Regular Session of the Eighty-Eighth General Assembly, 1995**  
**Second Regular Session of the Eighty-Eighth General Assembly, 1996**  
**First Regular Session of the Eighty-Ninth General Assembly, 1997**  
**Second Extraordinary Session of the Eighty-Ninth General Assembly, 1997**  
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(5) Intended by the person signing to have the same force and effect as a manual signature; provided that, the recorder of deeds has a security procedure in place so that the electronically transmitted signature is verified to detect forgeries and errors in transmissions, and a procedure to ensure that such signature was intended to be placed on such document by the authorized signer. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, call back procedures, or similar security devices. Comparison of a signature on a document with an authorized specimen signature shall not by itself be security procedure.

2. The execution of any document with a properly authenticated digital signature and acknowledgment pursuant to this section constitutes an affirmation, under penalty of perjury, that

the facts stated in such document are true and that such person or persons are duly authorized to execute such document.

(L. 1999 H.B. 795 § 2)

**59.567. Fees, collection procedure.** —

The recorder of deeds in any municipality or county may establish a new revenue collection procedure of prepaid accounts for the payment of required recording or filing fees, including but not limited to the acceptance of credit or debit cards for such purpose. No person establishing an account pursuant to this section shall be entitled to payment of any interest on such account. Funds in prepayment accounts shall be refundable upon written order of the authorized party designated to transfer moneys from such account.

(L. 1999 H.B. 795 § 3)

## Chapter 60

# COUNTY SURVEYORS AND LAND SURVEYS

### SURVEYS

- Sec. 60.315. Lost corners reestablishment—rules.
- 60.355. Prohibits removal or destroying of property markers—penalty—damages.

### DEPARTMENT OF NATURAL RESOURCES

- 60.595. Department revolving services fund, purpose — unexpended balances.

### SURVEYS

**60.315. Lost corners reestablishment—rules.** —The following rules for the reestablishment of lost corners shall be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such

cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners shall not be disturbed. Consequently, discrepancies between the new and record measurements shall not in any manner affect the measurements beyond the existent corners; but the differences shall be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels shall be given precedence over other township exteriors, and, ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost township corners common to four townships shall be reestablished by double proportionate measurement between the nearest existent corners on opposite sides of the lost township corner;

(4) Lost township corners located on standard parallels and common only to two townships shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost township corner on the standard parallel;

(5) Lost standard corners shall be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(6) All lost section and quarter-section corners on the township boundary lines shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner according to the conditions represented upon the original government plat;

(7) A lost interior corner of four sections shall be reestablished by double proportionate measurement;

(8) A lost closing corner shall be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(9) All lost quarter-section corners on the section boundaries within the township shall be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished; and

(10) Where a line has been terminated with a measurement in one direction only, a lost corner shall be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1989 H.B. 190, et al., A.L. 1999 H.B. 776)

**60.355. Prohibits removal or destroying of property markers—penalty—damages.—1.** No person, other than a registered land surveyor registered pursuant to chapter 327, RSMo, shall knowingly move, remove, deface or destroy any corner of the United States Public Land Survey System, property boundary marker, bench mark or horizontal control monument.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor.

3. Any person who violates the provisions of this section is liable for the cost of reestablishment of permanent monuments or markers by a registered land surveyor. This section shall establish a civil cause of action in favor of any owner of real estate the boundaries of which are affected by a violation of subsection 1 of this section. Venue for such cause of action shall be in the county in which the violation occurs. Damages shall be limited to reasonable surveying costs and reasonable attorneys' fees.

(L. 1998 H.B. 1862)

## DEPARTMENT OF NATURAL RESOURCES

**60.595. Department revolving services fund, purpose — unexpended balances. — 1.** The "Department of Natural Resources Revolving Services Fund" is hereby created. All funds received by the department of natural resources from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods or services that will ultimately be used to reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, laboratory services, core library fees, workshops, conferences, interdivisional cooperative agreements, but for no other purpose.

2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one million dollars is exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

3. The department of natural resources shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

(L. 1979 H.B. 121 § 2, A.L. 1993 S.B. 80, et al., A.L. 1999 H.B. 988)