

ARTICLE 91.

SURVEYOR AND STATE SURVEY.

Surveys, Returns and Certificates.

1. Shall execute warrants from land office and from courts; returns; deputy surveyor.
2. Shall keep alphabetical record of surveys.
3. Books open to inspection.
4. May appoint deputies.
5. May administer oath to chain carriers.
6. Only adults to be chain carriers.
7. Shall summon witnesses in execution of warrant of resurvey.
8. Shall insert course and distance of given line in all certificates of survey or resurvey returned to land office.
9. Shall state in such certificates number of acres and value.
10. Ten days' notice to be given of execution of warrant of resurvey.
11. Warrants of escheat, how executed.
12. Certificate by deputy of deceased surveyor, how and when made.

13. Correction of certificate by order of commissioner of land office, by surveyor who has resigned before correcting it.
14. Vacant land, when may be taken up.
15. To whom warrants for vacant land shall be directed, and how executed; oath of surveyor.
16. Court may put costs on surveyor for failing to return plots.
17. Erroneous certificate for examination of commissioner of land office, party not to pay fees to surveyor for.
18. Boundaries, when to be mentioned, how run and measured.

State Geological and Economic Survey.

19. State geological and economic survey established; of whom composed.
20. Objects of such survey.
21. Reports made to legislature.
22. Regular and special reports printed.

As to fees chargeable by surveyors, see art. 36, sec. 32.

As to power of courts to appoint substitute for county surveyor, see art. 26, sec. 10, *et seq.*

As to surveyor, see art. 7, sec. 2, of Md. Constitution.

For prohibition against driving live stock on improved highways, see art. 58, sec. 52, *et seq.*

Certain acts relative to "State Road No. 1," referred to in deciding that an obstruction of a highway is a common nuisance, and the remedy is by indictment and not by injunction unless plaintiff has suffered some special damage different in kind from that experienced in common with others. When court will interfere by injunction. *B. & O. R. R. Co. v. Gilmer*, 125 Md. 616.

While the courts have power to prevent commission from diverting funds appropriated by legislature for one road to construction of another, to justify such action it would have to be very clearly shown that the funds were being improperly used. Action of commission upheld. *Magruder v. State Roads Commission*, 125 Md. 526.

The state roads commission is a *quasi* corporation: its powers and duties. For all matters within scope of its duties and obligations commission may sue and is liable to be sued. When state roads commission purchased Conowingo bridge under this section it had power to sue for rental due by a telegraph company under a contract with bridge company for stringing its wires, etc., along said bridge. *State Roads Commission v. Postal Tel. Co.*, 123 Md. 76.

A telegraph company which had been paying rental for use of Conowingo bridge was not entitled to free use of such bridge because it was purchased by state roads commission; commission may recover for use of bridge if state could. See notes to art. 23, sec. 295. *Postal Tel. Co. v. State Roads Commission*, 127 Md. 245.