

Revised Statutes of 1846

R.S. of 1846

Chapter 60

CHAPTER 60. OF THE SUPERINTENDENCE AND DISPOSITION OF THE PUBLIC LANDS.

322.301 Unimproved and unsold school and university lands; minimum price; public auction.

Sec. 1.

The minimum price of the unsold and unimproved university lands, shall be 12 dollars per acre, and the minimum price of the unsold and unimproved school lands shall be 4 dollars per acre; but no such lands shall be otherwise sold until they shall once have been offered for sale at public auction, and no such lands shall be sold for less than the aforesaid prices respectively, nor shall any treasury notes or warrants be received for university lands hereafter forfeited to the state.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2444 ;-- CL 1871, 3817 ;-- How. 5262 ;-- CL 1897, 1325 ;-- CL 1915, 500 ;-- CL 1929, 5900 ;-- CL 1948, 322.301

Former Law: See section 10 of Act 68 of 1844.

322.302 Unimproved lands; terms of payment; affidavit as to timber value; certificate of credibility.

Sec. 2.

The terms of payment on the sale of university and school lands shall be 50 per centum of the purchase money to be paid at the time of the purchase, the balance of the principal at any time thereafter at the option of the purchaser, with interest at the rate of 7 per cent per annum, on the unpaid balance, payable on the first day of March, or within 60 days thereafter in each and every year at such place or places as shall be specified in the certificate of purchase: Provided, That before any of said lands shall be sold on part payment at the time of purchase, the commissioner of the state land office shall require the affidavits of at least 2 persons (accompanied by the certificate of the supervisor of the township in which such lands are situated as to the credulity [credibility] of such persons), that such lands are not valuable chiefly by or on account of timber thereon.

History: R.S. 1846, Ch. 60 ;-- Am. 1847, Act 30, Eff. Mar. 1, 1848 ;-- CL 1857, 2445 ;-- CL 1871, 3818 ;-- Am. 1873, Act 67, Imd. Eff. Apr. 1, 1873 ;-- How. 5263 ;-- CL 1897, 1326 ;-- CL 1915, 501 ;-- CL 1929, 5901 ;-- CL 1948, 322.302

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

322.303 Unimproved lands; certificate of purchase, contents.

Sec. 3.

At the time of the sale of any such lands, the commissioner shall make out and deliver to the purchaser or purchasers thereof a certificate in which the said commissioner shall, in the name of the people of this state, certify the description of land sold, the quantity thereof and the price per acre, the consideration paid and to be paid

therefor, and the time and terms of payment.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2446 ;-- CL 1871, 3819 ;-- How. 5264 ;-- CL 1897, 1327 ;-- CL 1915, 502 ;-- CL 1929, 5902 ;-- CL 1948, 322.303

322.304 Unimproved lands; certificate of purchase, voidance; repossession.

Sec. 4.

The said certificate shall further set forth that in case of the non-payment of the interest due by the first day of March, or within 60 days thereafter, in each and every year, or of the taxes for the preceding year, within the time aforesaid, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall from the time of such failure be utterly void and of no effect, and the said commissioner may take possession thereof and resell the same as hereinafter provided.

History: R.S. 1846, Ch. 60 ;-- Am. 1847, Act 30, Eff. Mar. 1, 1848 ;-- CL 1857, 2447 ;-- CL 1871, 3820 ;-- Am. 1875, Act 124, Eff. Aug. 3, 1875 ;-- How. 5265 ;-- CL 1897, 1328 ;-- CL 1915, 503 ;-- CL 1929, 5903 ;-- CL 1948, 322.304

322.305 Unimproved lands; payment of principal and interest; execution or mortgage sale purchasers deemed assignees.

Sec. 5.

Any purchaser of university or school lands, his heirs or assigns, who shall have paid, on or before the first day of March, 1842, a sum equal to 20 per cent of the purchase money on his certificate, together with the interest up to said day; and any person who shall have become such purchaser since the thirteenth day of April, in the year 1841, his heirs or assigns, who shall have paid according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option; but in all cases the interest on the unpaid balance of principal shall be paid on or before the first day of January, or within 60 days thereafter, in each and every year; and any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, shall be deemed an assignee of the person whose right, title and interest was sold by virtue of such execution or mortgage.

History: R.S. 1846, Ch. 60 ;-- Am. 1847, Act 30, Eff. Mar. 1, 1848 ;-- Am. 1851, Act 82, Eff. July 5, 1851 ;-- CL 1857, 2448 ;-- CL 1871, 3821 ;-- How. 5266 ;-- CL 1897, 1329 ;-- CL 1915, 504 ;-- CL 1929, 5904 ;-- CL 1948, 322.305

Compiler's Notes: "January" is doubtless an error made in copying the old law in drafting the bill for the amendment of 1851, the amendment of 1847 having changed "January" to "March," as in MCL 322.302 and 322.304.

322.306 Unimproved lands; non-payment, repossession and resale.

Sec. 6.

In case of non-payment, either of principal or interest when due, according to the provisions of the preceding section, or according to the terms of the certificate of sale, as the case may be, such certificate shall become void and of no effect from the time of such failure, and the commissioner may take immediate possession thereof and resell the same.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2449 ;-- CL 1871, 3822 ;-- How. 5267 ;-- CL 1897, 1330 ;-- CL 1915, 505 ;-- CL 1929, 5905 ;-- CL 1948, 322.306

322.307 Unimproved lands; payment for timber.

Sec. 7.

The said commissioner shall, whenever it satisfactorily appears that the chief value of any parcel of land consists of pine or other timber, and that in his opinion the interest of the state will not be secured by a compliance with the terms of payment prescribed in the second section of this act, require full payment for the same.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2450 ;-- Am. 1863, Act 107, Imd. Eff. Mar. 14, 1863 ;-- CL 1871, 3823 ;-- Am. 1873, Act 67, Imd. Eff. Apr. 1, 1873 ;-- How. 5268 ;-- CL 1897, 1331 ;-- CL 1915, 506 ;-- CL 1929, 5906 ;-- CL 1948, 322.307

322.308 Unimproved lands; patents, issuance, certification by commissioner of state land office.

Sec. 8.

The governor of the state shall sign and cause to be issued, patents for the lands described in any certificate of purchase whenever the same shall be presented to him, with the further certificate of the commissioner endorsed thereon, that the whole amount of principal and interest specified therein, together with the taxes, charges and interest levied upon said land, have been paid according to law, and that the holder of the certificate of purchase, whether as original purchaser or as purchaser of the right, title and interest of such original purchaser at an execution or mortgage sale, is entitled to a deed therefor.

History: R.S. 1846, Ch. 60 ;-- Am. 1851, Act 82, Eff. July 5, 1851 ;-- CL 1857, 2451 ;-- Am. 1863, Act 107, Imd. Eff. Mar. 14, 1863 ;-- CL 1871, 3824 ;-- How. 5269 ;-- CL 1897, 1332 ;-- CL 1915, 507 ;-- CL 1929, 5907 ;-- CL 1948, 322.308

322.309 Unimproved lands; transfer of title; noncompliance, trespassing.

Sec. 9.

The fee of each and every parcel of the said lands shall be and remain in the state until patents shall issue for the same respectively, upon full payment as aforesaid; and in case of a non-compliance by the purchaser, his heirs or assigns, with the terms of the certificate as aforesaid, or with the provisions of law applicable thereto, any and all persons being or continuing in possession of any such lands after a failure to comply with the terms of the certificate as aforesaid, or with such provisions of law as aforesaid, without a written permission of the commissioner of the land office, shall be deemed and held to detain such lands forcibly, and without right, and to be trespassers thereon.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2452 ;-- CL 1871, 3825 ;-- How. 5270 ;-- CL 1897, 1333 ;-- CL 1915, 508 ;-- CL 1929, 5908 ;-- CL 1948, 322.309

322.310 Unimproved lands; secured sums, recovery.

Sec. 10.

In all cases where security has been taken from the purchaser, pursuant to the provisions of the seventh section of this chapter, the commissioner shall have power to sue for and recover all such sums as may become due and payable for which such security was given.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2453 ;-- CL 1871, 3826 ;-- How. 5271 ;-- CL 1897, 1334 ;-- CL 1915, 509 ;-- CL 1929, 5909 ;-- CL 1948, 322.310

322.311 Improved school and university lands; sale; appraisal of improvements.

Sec. 11.

All the improved portions of the university and school lands remaining unsold, shall be subject to sale at the respective prices at which they were severally offered at the last annual public sales, until the improvements on the same shall have been appraised as provided in this chapter.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2454 ;-- CL 1871, 3827 ;-- How. 5272 ;-- CL 1897, 1335 ;-- CL 1915, 510 ;-- CL 1929, 5910 ;-- CL 1948, 322.311

322.312 Improved lands; sale by lots, minimum price, appraisal.

Sec. 12.

Whenever either the university or school fund will, in the opinion of the commissioner, be improved by laying off any section or tract of university or school lands, into small parcels, or village lots, the said commissioner may cause the same to be done, and may sell the same at the respective minimum prices established in this chapter; or if in his opinion any of such parcels or lots exceed in value such prices, he shall cause the same to be appraised by 3 disinterested freeholders of the county in which such parcels or lots are situated.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2455 ;-- CL 1871, 3828 ;-- How. 5273 ;-- CL 1897, 1336 ;-- CL 1915, 511 ;-- CL 1929, 5911 ;-- CL 1948, 322.312

322.313 Improved lands; appraisal, procedure.

Sec. 13.

Such freeholders shall be appointed by the commissioner, and after being first duly sworn so to do, shall appraise the several parcels or lots directed by said commissioner to be appraised by them, at their true value respectively, and shall make a return of such appraisement duly certified by them, to the commissioner.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2456 ;-- CL 1871, 3829 ;-- How. 5274 ;-- CL 1897, 1337 ;-- CL 1915, 512 ;-- CL 1929, 5912 ;-- CL 1948, 322.313

322.314 Improved lands; sale at appraised value; new appraisal, minimum.

Sec. 14.

All parcels or lots so appraised, shall be subject to sale in the same manner and upon the same terms and conditions, and the certificates of purchase shall have the same effect, as in the case of other university or school lands, according to the provisions of this chapter, at the prices at which the same were severally appraised, until a new appraisal shall be made, which the commissioner may, in his discretion, cause to be had in the manner aforesaid, and with the like effect; but no lots or parcels so appraised shall be sold for less than the minimum price

of said lands established in this chapter.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2457 ;-- CL 1871, 3830 ;-- How. 5275 ;-- CL 1897, 1338 ;-- CL 1915, 513 ;-- CL 1929, 5913 ;-- CL 1948, 322.314

322.315 Improved lands; withholding from sale.

Sec. 15.

The said commissioner may also, in his discretion, reserve and withhold from sale, such portions of the university and school lands as in his opinion it may not be advantageous to sell and dispose of, and for so long a time as in his opinion will be most beneficial to the several funds affected thereby.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2458 ;-- CL 1871, 3831 ;-- How. 5276 ;-- CL 1897, 1339 ;-- CL 1915, 514 ;-- CL 1929, 5914 ;-- CL 1948, 322.315

322.316 Forfeited lands; public auction; improved lands, minimum price.

Sec. 16.

All university and school lands which have been or may be forfeited by the non-payment of either principal or interest, and which have not been offered at public auction after forfeiture, before the same shall be subject to private entry, shall be re-offered for sale at public auction, and the minimum price of all portions or tracts upon which improvements shall have been made, shall be such as shall be determined by the commissioner in the manner hereinafter in this chapter provided.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2459 ;-- CL 1871, 3832 ;-- How. 5277 ;-- CL 1897, 1340 ;-- CL 1915, 515 ;-- CL 1929, 5915 ;-- CL 1948, 322.316

322.317 Forfeited lands; notice of sale, publication.

Sec. 17.

The sale of such forfeited lands shall be held at such times and places as shall be designated in a notice containing a description of the lands so forfeited, which notice shall be published once in each week at least 4 weeks successively before the time of sale, in a newspaper printed in the county where the lands are situated if there be one, if not then in a newspaper printed in an adjoining county if there be one, and if there be none printed in an adjoining county, then in such newspaper as the commissioner shall designate.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2460 ;-- CL 1871, 3833 ;-- How. 5278 ;-- CL 1897, 1341 ;-- CL 1915, 516 ;-- CL 1929, 5916 ;-- CL 1948, 322.317

322.318 Certificates of purchase; rights of purchasers; recording.

Sec. 18.

Certificates of purchase issued pursuant to the provisions of law, shall entitle the purchaser to the possession of

the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejectment, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2461 ;-- CL 1871, 3834 ;-- How. 5279 ;-- CL 1897, 1342 ;-- CL 1915, 517 ;-- CL 1929, 5917 ;-- CL 1948, 322.318

322.319 University and school lands; payment of amount due; receipt.

Sec. 19.

Any purchaser of university or school lands may pay to the state treasurer the amount due on his or her certificate of purchase, whether principal or interest, and for the amount so paid, the treasurer shall provide a receipt.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2462 ;-- CL 1871, 3835 ;-- How. 5280 ;-- CL 1897, 1343 ;-- CL 1915, 518 ;-- CL 1929, 5918 ;-- CL 1948, 322.319 ;-- Am. 2002, Act 177, Imd. Eff. Apr. 23, 2002

322.320 Forfeited lands; redemption before or after sale; refund for cancelled purchase, interest.

Sec. 20.

In all cases where rights of a purchaser shall have become forfeited, under the provisions of this chapter, by his failure to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns shall, before the time appointed for the sale of the lands, described in such certificate, at public auction, pay to the commissioner of the land office the full amount then due and payable upon such certificate, and 25 cents on each dollar of such amount in addition thereto, together with all taxes remaining due and unpaid upon said lands, such payment shall operate as a redemption of the rights of such purchaser, his heirs and assigns; and said certificate, from the time of such payment, shall be in full force and effect, as if no such forfeiture had occurred: Provided, however, That in case the lands described in any certificate of purchase shall not be redeemed after the forfeiture before the day of sale, and the same shall be purchased at such public sale, or from the state at private sale, after such public offering in the manner now provided by law, by any person, then, and in that case, such purchaser shall pay, at the date of such purchase, into the state treasury, the amount required by law for the purchase of lands at such forfeited sales, together with all taxes and charges due and unpaid thereon; and the treasurer shall be required to give his receipt therefor, which shall state in full the amount paid, together with the description of the lands on which the same is paid and the name of such purchaser; and no certificate shall be issued to such subsequent purchaser until after the expiration of 1 year from and after the date of such public offering, during which time said certificate-holder, his heirs or assigns, shall have a right to redeem said lands from the effects of such forfeiture by paying into the state treasury all interest, penalty and charges due upon such certificate, as is now provided by law, and all taxes and other charges due and unpaid thereon together with interest at the rate of 25 per cent per annum, on all sums paid by such subsequent purchaser, from the date of such sale up to the date of such redemption; and in case of such redemption, the state treasurer shall refund to the party whose purchase has been canceled by such redemption, the full amount so paid by such subsequent purchaser, together with interest on the same from the date of such payment into the treasury up to the date of such redemption, at the rate of 25 per cent per annum.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2463 ;-- Am. 1859, Act 113, Imd. Eff. Feb. 11, 1859 ;-- Am. 1869, Act 85, Eff. July 5, 1869 ;-- CL 1871, 3836 ;-- Am. 1875, Act 23, Imd. Eff. Mar. 10, 1875 ;-- How. 5281 ;-- CL 1897, 1344 ;-- CL 1915, 519 ;-- CL 1929, 5919 ;-- CL 1948, 322.320

322.321 Forfeited lands and improved lands; lists to county clerk, distribution.

Sec. 21.

On or before the first day of June in each year, the commissioner of the land office shall prepare and transmit to the clerks of the several counties in which the same are situated, lists of all the forfeited lands in the several townships therein, and of all the unsold university, school, and state building lands which he may have cause to believe are improved, together with proper forms of returns and certificates of appraisal, to be forthwith distributed by such clerks respectively to the several supervisors of townships to whom the same may be directed.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2464 ;-- CL 1871, 3837 ;-- How. 5282 ;-- CL 1897, 1345 ;-- CL 1915, 520 ;-- CL 1929, 5920 ;-- CL 1948, 322.321

322.322 Improved lands; appraisal by township supervisor, returns to commissioner of state land office; exceptions.

Sec. 22.

Every supervisor of a township, upon receiving the lists and forms as aforesaid, shall proceed to estimate and appraise the value of all the improvements upon the several tracts or parcels of land mentioned in such lists, and after making such appraisal according to the forms prescribed by said commissioner, he shall make returns thereof duly certified by him to the commissioner, on or before the first day of August in the same year: Provided, That the provisions of this section shall not apply to any settler mentioned in or contemplated by the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," approved March twenty-fifth, 1840, and the several acts amendatory thereof, whose lands have been forfeited to this state, or who has not become a purchaser of the lands on which he resides, and on which his settlement is made, nor shall it apply to any person who has made, or who hereafter may make improvements on any of the university, school or state building lands; and who shall hereafter become a purchaser of the same. But such settler or other person shall be entitled to enter the same upon the terms herein established for the sale of unimproved university lands, irrespective of the value of said improvements, and he shall not be chargeable for the value of said improvements so made by or assigned to him.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2465 ;-- CL 1871, 3838 ;-- How. 5283 ;-- CL 1897, 1346 ;-- CL 1915, 521 ;-- CL 1929, 5921 ;-- CL 1948, 322.322

322.323 Improved lands; computation of specific minimum price.

Sec. 23.

On the return of such appraisal, the amount of the appraised value of improvements on each tract or parcel shall be divided by the number of acres contained therein, and the result, together with the minimum price per acre of unimproved lands of the same description as established in this chapter, shall be the specific minimum price per acre of such tract or parcel, the improvements upon which shall have been so appraised, until the same shall be changed by a subsequent appraisal.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2466 ;-- CL 1871, 3839 ;-- How. 5284 ;-- CL 1897, 1347 ;-- CL 1915, 522 ;-- CL 1929, 5922 ;-- CL 1948, 322.323

322.324 Unimproved forfeited lands; minimum price.

Sec. 24.

The unimproved forfeited lands shall continue at the minimum price per acre of unsold and unimproved lands, as established in this chapter.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2467 ;-- CL 1871, 3840 ;-- How. 5285 ;-- CL 1897, 1348 ;-- CL 1915, 523 ;-- CL 1929, 5923 ;-- CL 1948, 322.324

322.325 Improved lands; leasing.

Sec. 25.

The commissioner of the land office may, from time to time lease, for terms not exceeding 1 year, and until the same are disposed of according to law, all such university and school lands, and other lands belonging to the state, as shall have improvements on them; and such leases shall contain proper covenants to guard against trespasses and waste.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2468 ;-- CL 1871, 3841 ;-- How. 5286 ;-- CL 1897, 1349 ;-- CL 1915, 524 ;-- CL 1929, 5924 ;-- CL 1948, 322.325

322.327 State lands; survey of boundaries by commissioner of state land office; payment of expenses.

Sec. 27.

Whenever it shall appear to the commissioner necessary, in order to ascertain the true boundaries of any tract or portion of the lands mentioned in this chapter, or to enable him to describe and dispose of the same, in suitable and convenient lots, he may cause all such necessary surveys to be made; and the expenses thereof shall be paid out of the proper fund, in the same manner as the other incidental expenses of the land office.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2469 ;-- CL 1871, 3842 ;-- How. 5287 ;-- CL 1897, 1350 ;-- CL 1915, 525 ;-- CL 1929, 5925 ;-- CL 1948, 322.327

MISCELLANEOUS PROVISIONS.

322.349 Books and papers relating to state lands; custody of commissioner of state land office.

Sec. 49.

The commissioner of the land office shall have the custody of all books and papers relating to any of the public lands mentioned in this chapter, except such as properly belong to the records or files of other offices.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2491 ;-- CL 1871, 3864 ;-- How. 5309 ;-- CL 1897, 1382 ;-- CL 1915, 565 ;-- CL 1929, 5933 ;-- CL 1948, 322.349

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

322.350 Repealed. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Compiler's Notes: The repealed section pertained to the furnishing of a map of each county by the state geologist.

322.351 Descriptions of lands sold; transmittal by commissioner of state land office to county treasurer.

Sec. 51.

The said commissioner shall, on or before the third Monday in March in each year, transmit to the treasurer of each county in which any of the lands mentioned in this chapter may have been sold during the year then next preceding, a description of each parcel of the lands so sold in such county, and the names of the purchasers, distinguishing university and school lands from others.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2493 ;-- CL 1871, 3866 ;-- How. 5311 ;-- CL 1897, 1384 ;-- CL 1915, 567 ;-- CL 1929, 5935 ;-- CL 1948, 322.351

322.352 Plats by commissioner; recording.

Sec. 52.

Whenever the commissioner shall lay off any tract of land into small parcels or village lots, as provided in this chapter, he shall cause a correct map of the same to be entered of record in the county where said lands may be situated; and all parcels or lots heretofore laid out, shall in like manner be entered of record.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2494 ;-- CL 1871, 3867 ;-- How. 5312 ;-- CL 1897, 1385 ;-- CL 1915, 568 ;-- CL 1929, 5936 ;-- CL 1948, 322.352

322.353 Descriptions of lands sold; delivery by county treasurer to township supervisors.

Sec. 53.

The several county treasurers receiving such descriptions shall, on or before the first Monday of April, deliver to the supervisor of each township in which any of such lands are situated, a description of such lands therein, with the names of the purchasers of the same.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2495 ;-- CL 1871, 3868 ;-- How. 5313 ;-- CL 1897, 1386 ;-- CL 1915, 569 ;-- CL 1929, 5937 ;-- CL 1948, 322.353

322.354 Patents; recording by register of deeds.

Sec. 54.

The registers of deeds of the several counties are authorized to record all patents issued by the governor pursuant to the provisions of this chapter, and the record thereof shall have the same effect as the record of other conveyances executed according to the laws of this state.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2496 ;-- CL 1871, 3869 ;-- How. 5314 ;-- CL 1897, 1387 ;-- CL 1915, 570 ;-- CL 1929, 5938 ;-- CL 1948, 322.354

322.355 Incidental expenses of state land office; allowance, payment.

Sec. 55.

The necessary incidental expenses of the land office shall be paid out of the several funds, respectively, in relation to which they were incurred, and upon the presentation of satisfactory vouchers therefor to the board of state auditors, shall be allowed by them at their annual settlement with the commissioner.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2497 ;-- CL 1871, 3870 ;-- How. 5315 ;-- CL 1897, 1388 ;-- CL 1915, 571 ;-- CL 1929, 5939 ;-- CL 1948, 322.355

322.356 Ineffectual certificate of purchase; surrender, refund.

Sec. 56.

In case of any sale made by mistake, or not in accordance with law, or obtained by fraud, the same shall be void; and no certificate of purchase issued thereon shall be of any effect, but the holder of any such certificate shall be required to surrender the same to the commissioner, who shall thereupon refund the amount paid in the like funds received by him on such certificate.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2498 ;-- CL 1871, 3871 ;-- How. 5316 ;-- CL 1897, 1389 ;-- CL 1915, 572 ;-- CL 1929, 5940 ;-- CL 1948, 322.356

322.357 Assignees of purchasers; rights and liabilities.

Sec. 57.

The legal assignees of all bona fide purchasers of any of the lands mentioned in this chapter, shall be subject to, and governed by, the provisions of law applicable to the respective purchasers of whom they are the assignees, and they shall have the same rights in all respects, as original purchasers of the same class of lands.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2499 ;-- CL 1871, 3872 ;-- How. 5317 ;-- CL 1897, 1390 ;-- CL 1915, 573 ;-- CL 1929, 5941 ;-- CL 1948, 322.357

322.358 State lands; sale according to United States survey; exceptions.

Sec. 58.

All sales of lands by the commissioner, shall be made according to the subdivisions thereof by the United States surveys, unless the same shall have been laid off into smaller lots as provided in this chapter, or unless in the opinion of the commissioner any of said lands can be more advantageously disposed of according to other divisions to be ascertained and distinctly described by law.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2500 ;-- CL 1871, 3873 ;-- How. 5318 ;-- CL 1897, 1391 ;-- CL 1915, 574 ;-- CL 1929, 5942 ;-- CL 1948, 322.358

322.359 Subdivided lands; new certificates of purchase, issuance.

Sec. 59.

When an original certificate of purchase shall have been issued by the commissioner for 40 acres or more of the said lands, he may in his discretion, upon the surrender of such certificate, and the payment of 1 dollar for each new certificate requested, issue new certificates for subdivisions of the lands included in the original purchase, if, in his opinion, no injury will result therefrom.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2501 ;-- Am. 1863, Act 88, Imd. Eff. Mar. 11, 1863 ;-- CL 1871, 3874 ;-- How. 5319 ;-- CL 1897, 1392 ;-- CL 1915, 575 ;-- CL 1929, 5943 ;-- CL 1948, 322.359

322.368 University lands; obligations receivable in payment of principal.

Sec. 68.

All treasury notes or warrants bearing interest, drawn by authority of law on the treasurer of this state, shall be received in payment of principal for any of the university lands which have been heretofore sold or which may hereafter be sold, and which have not once been sold and forfeited, in the same manner as they are by law receivable for any lands owned by this state, subject to the limitations hereinafter contained.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2510 ;-- CL 1871, 3883 ;-- How. 5328 ;-- CL 1897, 1401 ;-- CL 1915, 584 ;-- CL 1929, 5951 ;-- CL 1948, 322.368

322.369 University lands; obligations receivable, limitation.

Sec. 69.

The whole amount of such notes and warrants which may be received under the provisions of the preceding section, shall not exceed the residue of the sum of 100,000 dollars which shall remain after deducting the full amount of all sums which shall have been credited to the regents of the university, or to the university fund on the principal of the "Michigan university state stock," in pursuance of "An act authorizing the receipt of obligations of this state in payment of university lands," approved February twenty-eighth, 1844, and of "An act for the relief of the university of Michigan," approved March eleventh, 1844, and 156,000 dollars in addition thereto.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2511 ;-- CL 1871, 3884 ;-- How. 5329 ;-- CL 1897, 1402 ;-- CL 1915, 585 ;-- CL 1929, 5952 ;-- CL 1948, 322.369

Compiler's Notes: The acts referred to in this section are Act 20 of 1844 and Act 83 of 1844.

322.371 University lands; obligations receivable, credit to university fund.

Sec. 71.

From the date of each and every such credit, the university fund shall be relieved from the payment of interest on an amount of the said "Michigan university state stock," equal to the amount of such credit; and when the amount of said "Michigan university state stock" shall have been received into the state treasury, the state treasurer shall continue to make quarterly statements of the amount of treasury notes or warrants received, and

credit the same to the university fund, and interest shall thereupon accrue, and shall annually be paid by the state to the treasurer of the board of regents for the use of the university.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2513 ;-- CL 1871, 3886 ;-- How. 5331 ;-- CL 1897, 1404 ;-- CL 1915, 587 ;-- CL 1929, 5953 ;-- CL 1948, 322.371

322.372 Certificates of purchase; seal as evidence of execution.

Sec. 72.

The seal of the land office affixed to any certificate of purchase, receipt or other instrument issued by the commissioner of the land office, according to the provisions of this chapter, shall be prima facie evidence of the due execution of such certificate.

History: R.S. 1846, Ch. 60 ;-- CL 1857, 2514 ;-- CL 1871, 3887 ;-- How. 5332 ;-- CL 1897, 1405 ;-- CL 1915, 588 ;-- CL 1929, 5954 ;-- CL 1948, 322.372