

## **Chapter 322**

### **STATE LANDS**

#### **SALE OR LEASE OF REAL ESTATE ACQUIRED BY STATE**

##### **Act 230 of 1941**

AN ACT to authorize the state treasurer to sell or lease certain real estate; and to prescribe certain requirements for that sale or lease.

**History:** 1941, Act 230, Imd. Eff. June 16, 1941 ;-- Am. 2002, Act 705, Imd. Eff. Dec. 30, 2002

*The People of the State of Michigan enact:*

##### **322.1 Real estate acquired by state; sale or lease; authorization.**

###### **Sec. 1.**

Whenever the title to any real estate has vested in this state by grant, devise or gift, or in payment for care or medical treatment rendered in any state hospital or institution, the real estate or any part thereof may be sold or leased by the state treasurer with the approval of the state administrative board.

**History:** 1941, Act 230, Imd. Eff. June 16, 1941 ;-- CL 1948, 322.1 ;-- Am. 2002, Act 705, Imd. Eff. Dec. 30, 2002

##### **322.2 Appraisal of real estate; sale to highest bidder; notice.**

###### **Sec. 2.**

The state treasurer shall cause real estate described in section 1 to be appraised by 2 disinterested and qualified appraisers who are residents of the county in which the real estate is located, and then shall solicit and receive bids on the real estate. The real estate shall be sold to the highest bidder but in no case at less than the appraised value. However, the real estate shall not be sold until advertisement offering the property for sale has been published at least 3 successive weeks before the sale in a newspaper printed and circulated in the county in which the real estate is situated. If there is no newspaper printed and circulated in the county where the real estate is situated, then the notice shall be published in a newspaper printed and circulated nearest to the site of the real estate.

**History:** 1941, Act 230, Imd. Eff. June 16, 1941 ;-- CL 1948, 322.2 ;-- Am. 2002, Act 705, Imd. Eff. Dec. 30, 2002

##### **322.3 Terms of sale; credit; limitation; security.**

###### **Sec. 3.**

Upon sale of real estate under this act, the state treasurer may give such length of credit, not to exceed 5 years, and for not more than 3/4 of the purchase money, as the state treasurer considers best calculated to produce the highest price, and shall require the money for which credit is given to be secured by a mortgage on the real estate sold.

**History:** 1941, Act 230, Imd. Eff. June 16, 1941 ;-- CL 1948, 322.3 ;-- Am. 2002, Act 705, Imd. Eff. Dec. 30, 2002

#### **322.4 Notice of sale; deed of conveyance; documents attached; quitclaim deed.**

Sec. 4.

An affidavit of the publisher of the notice of sale required under section 2 shall be attached to the deed conveying real estate under this act, together with a copy of the notice of sale, showing the dates of publication of the notice. A copy of the resolution of the state administrative board approving the sale, certified by the secretary of the state administrative board, shall also be attached to the deed of conveyance. The conveyance of the property shall be by quitclaim deed, executed by the state treasurer for and on behalf of the people of this state.

**History:** 1941, Act 230, Imd. Eff. June 16, 1941 ;-- CL 1948, 322.4 ;-- Am. 2002, Act 705, Imd. Eff. Dec. 30, 2002

#### **322.5 Proceeds of sale; disposition.**

Sec. 5.

The money derived from such lease or sale, after the payment of the costs and expenses of such lease or sale, shall be paid into the state treasury and credited to the account of the general fund or to such other fund as the same would be credited had the amount been received as reimbursement directly from the person or persons liable for the care or medical treatment rendered in any Michigan state hospital or institution.

**History:** 1941, Act 230, Imd. Eff. June 16, 1941 ;-- CL 1948, 322.5

### **FOREST MANAGEMENT DEMONSTRATION PROGRAM**

#### **Act 214 of 1982**

322.11-322.17 Repealed. 1995, Act 57, Imd. Eff. May 24, 1995.

### **RECORDING APPROVAL OF SELECTIONS OF LANDS**

#### **Act 37 of 1848**

AN ACT to provide for recording the evidences of the approval by the general government of the selections of lands made by this state under act of congress, and for other purposes.

**History:** 1848, Act 37, Imd. Eff. Feb. 11, 1848

*Be it enacted by the Senate and House of Representatives of the State of Michigan:*

#### **322.101 Approval of selections of lands; recording by secretary of state.**

Sec. 1.

That the certificates of the secretary of the treasury of the United States, of his approval, or the certificates and letters of the commissioner of the general land office of the United States of the approval by the secretary of the treasury of the selection of any lands heretofore granted, or which hereafter may be granted by the congress of the United States to this state, and which certificates and letters have been or hereafter may be received by the secretary of state, shall, together with their accompanying lists or descriptions of land be recorded by him in a book kept for that purpose.

**History:** 1848, Act 37, Imd. Eff. Feb. 11, 1848 ;-- CL 1857, 152 ;-- CL 1871, 217 ;-- How. 5218 ;-- CL 1897, 1269 ;-- CL 1915, 408 ;-- CL 1929, 5797 ;-- CL 1948, 322.101

### **322.102 Record or certified copy; evidence of title.**

#### **Sec. 2.**

Such record or a transcript thereof, certified by the secretary of state, under his seal of office, shall be received in any court of this state, as evidence of title in the state, to any of the lands therein mentioned.

**History:** 1848, Act 37, Imd. Eff. Feb. 11, 1848 ;-- CL 1857, 153 ;-- CL 1871, 218 ;-- How. 5219 ;-- CL 1897, 1270 ;-- CL 1915, 409 ;-- CL 1929, 5798 ;-- CL 1948, 322.102

## **RECORDING EVIDENCE OF TITLE**

### **Act 87 of 1873**

AN ACT to provide for recording certain evidence concerning titles to land.

**History:** 1873, Act 87, Imd. Eff. Apr. 15, 1873

*The People of the State of Michigan enact:*

### **322.111 Conveyance of lands; approval; record, admissible as evidence.**

#### **Sec. 1.**

When by any treaty or law of the United States it shall have been, or shall hereafter be required that permission or consent or approval of the United States be given to the lease, sale, alienation, or conveyance of any lands situate in this state, such permission, consent, or approval by the president of the United States to such sale, lease, alienation or conveyance, and the petition or prayer in writing soliciting that the consent, permission, or approval be made, may be recorded in the office of the register of deeds of the county in which the lands or any of them may be situated; and the record or a transcript of the record, certified by the register in whose office the same may have been recorded, may be read in evidence in any court within this state without further proof thereof; but the effect of such evidence may be rebutted by other competent evidence.

**History:** 1873, Act 87, Imd. Eff. Apr. 15, 1873 ;-- How. 5220 ;-- CL 1897, 1271 ;-- CL 1915, 410 ;-- CL 1929, 5799 ;-- CL 1948, 322.111

## **RECORDING DEEDS TO STATE AND OTHER EVIDENCES OF TITLE**

### **Act 12 of 1843**

AN ACT for the better security of the titles of lands belonging to the state.

**History:** 1843, Act 12, Eff. Mar. 4, 1843

*Be it enacted by the Senate and House of Representatives of the State of Michigan:*

**322.121 Deeds of conveyance to state; recording, registration.**

Sec. 1.

That all deeds of conveyance to the state of any lands situated in this state or elsewhere, shall be recorded in the counties where the lands lie, and shall be duly registered and kept in the office of secretary of state of this state.

**History:** 1843, Act 12, Eff. Mar. 4, 1843 ;-- CL 1857, 146 ;-- CL 1871, 211 ;-- How. 5212 ;-- CL 1897, 1272 ;-- CL 1915, 411 ;-- CL 1929, 5800 ;-- CL 1948, 322.121

**322.122 Confirmation of locations; recording.**

Sec. 2.

All confirmations of university locations, of school lands for filling up fractional sections of state lands of every description that may require confirmations, and sections for salt springs and the use of salt springs, shall be also kept and recorded in the office of secretary of state.

**History:** 1843, Act 12, Eff. Mar. 4, 1843 ;-- CL 1857, 147 ;-- CL 1871, 212 ;-- How. 5213 ;-- CL 1897, 1273 ;-- CL 1915, 412 ;-- CL 1929, 5801 ;-- CL 1948, 322.122

**322.123 Acts granting lands to state; collection, recording.**

Sec. 3.

All acts and parts of acts by which any grants of lands have been, or hereafter may be made to this state, shall be collected and recorded in the record book aforesaid.

**History:** 1843, Act 12, Eff. Mar. 4, 1843 ;-- CL 1857, 148 ;-- CL 1871, 213 ;-- How. 5214 ;-- CL 1897, 1274 ;-- CL 1915, 413 ;-- CL 1929, 5802 ;-- CL 1948, 322.123

**322.124 Other evidences of title; recording.**

Sec. 4.

All other evidences of title, by which this state holds any lands shall be in like manner recorded in the office of the secretary of state, so that his office shall contain the whole collection of all the land titles of the state of Michigan.

**History:** 1843, Act 12, Eff. Mar. 4, 1843 ;-- CL 1857, 149 ;-- CL 1871, 214 ;-- How. 5215 ;-- CL 1897, 1275 ;-- CL 1915, 414 ;-- CL 1929, 5803 ;-- CL 1948, 322.124

### **322.125 Plat of titles; secretary of state.**

Sec. 5.

When the titles aforesaid are fully collected and arranged, the secretary of state shall cause the same to be platted in such a manner as to show them accurately and distinctly on such plats.

**History:** 1843, Act 12, Eff. Mar. 4, 1843 ;-- CL 1857, 150 ;-- CL 1871, 215 ;-- How. 5216 ;-- CL 1897, 1276 ;-- CL 1915, 415 ;-- CL 1929, 5804 ;-- CL 1948, 322.125

### **322.126 New locations of state lands; record and plat.**

Sec. 6.

All new locations of state lands, for any purpose, shall be immediately entered of record and platted as aforesaid.

**History:** 1843, Act 12, Eff. Mar. 4, 1843 ;-- CL 1857, 151 ;-- CL 1871, 216 ;-- How. 5217 ;-- CL 1897, 1277 ;-- CL 1915, 416 ;-- CL 1929, 5805 ;-- CL 1948, 322.126

## **PROTECTION OF STATE-OWNED AND TAX DELINQUENT LANDS**

### **Act 126 of 1939**

322.131-322.138 Repealed. 1993, Act 298, Imd. Eff. Dec. 28, 1993.

## **STATE OWNED LANDS PROTECTION ACT**

### **Act 298 of 1993**

322.141-322.146 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

## **SALE AND RECLAMATION OF SWAMP LANDS**

### **Act 187 of 1851**

322.151-322.157 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

## **RECEIPT OF MONEYS FROM SALE OF SWAMP LANDS**

**Act 76 of 1853**

322.161, 322.162 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

**AGRICULTURAL COLLEGE LANDS**

**Act 140 of 1863**

AN ACT to provide for the selection, care and disposition of the lands donated to the state of Michigan, by act of congress, approved July second, 1862, for the endowment of colleges for the benefit of agriculture and the mechanic arts.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863

*The People of the State of Michigan enact:*

**322.171 Agricultural college lands; control and management.**

Sec. 1.

The state board of agriculture shall have the control and management of the care and disposal of the lands granted to this state by act of congress approved July second, 1862 providing for the endowment of colleges for the benefit of agriculture and the mechanic arts.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3927 ;-- How. 5368 ;-- Am. 1893, Act 189, Imd. Eff. June 1, 1893 ;-- CL 1897, 1434 ;-- CL 1915, 648 ;-- CL 1929, 5812 ;-- CL 1948, 322.171

**322.172 College lands; description, title.**

Sec. 2.

The commissioner of the state land office, shall, as fast as such selections are made and returned to him, forward to the secretary of the interior of the United States, full and complete descriptions of all such lands, and obtain the necessary title to the state of Michigan for the same.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3928 ;-- How. 5369 ;-- CL 1897, 1435 ;-- CL 1915, 649 ;-- CL 1929, 5813 ;-- CL 1948, 322.172

**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.

**322.173 College lands; sale, minimum price, terms, forfeiture.**

Sec. 3.

All of said lands, excepting as hereinafter provided, shall be sold for not less than 3 dollars per acre, 1/4 of the purchase price to be paid at the time of purchase, and the balance at any time thereafter, at the option of the purchaser, with interest on the unpaid balance at the rate of 7 per cent per annum, payable annually into the state treasury, in accordance with, and subject to all the terms and conditions of payment, and forfeitures for non-payment of all interest and taxes due thereon, as is now provided by the laws regulating the sale and forfeiture of primary school lands: Provided however, That all of said lands which are valuable principally for the timber thereon, shall be sold for not less than 5 dollars per acre, the whole of the purchase money therefor to be paid at the date of purchase.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- Am. 1869, Act 34, Imd. Eff. Mar. 16, 1869 ;-- CL 1871, 3929 ;-- How. 5370 ;-- CL 1897, 1436 ;-- CL 1915, 650 ;-- CL 1929, 5814 ;-- CL 1948, 322.173

### **322.174 College lands; proceeds of sale, disposition.**

#### **Sec. 4.**

The proceeds of the sale of said land shall be applied and used according to the conditions of the act of congress granting the same to the state.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3930 ;-- How. 5371 ;-- CL 1897, 1437 ;-- CL 1915, 651 ;-- CL 1929, 5815 ;-- CL 1948, 322.174

### **322.175 College lands; commissioner of state land office, duties; certificate of sale, contents.**

#### **Sec. 5.**

The commissioner of the state land office shall, by the direction of the state board of agriculture, sell said lands in quantities of not less than any legal subdivision, according to the original United States survey; and on such sale being made, the commissioner of the state land office shall issue his certificate of sale in the usual form, setting forth the quantity and description of the land sold, the price per acre, the amount paid at the time of purchase, the balance due, with the annual rate of interest, and the time the interest is payable, as is required by law for the payment of interest on contracts for the purchase of primary school lands, and that the purchaser will be entitled to a patent from this state on payment in full of the principal and interest, together with all taxes assessed on such land.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3931 ;-- How. 5372 ;-- Am. 1893, Act 189, Imd. Eff. June 1, 1893 ;-- CL 1897, 1438 ;-- CL 1915, 652 ;-- CL 1929, 5816 ;-- CL 1948, 322.175

### **322.176 College lands; certificates of purchase, effect, recording.**

#### **Sec. 6.**

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:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3932 ;-- How. 5373 ;-- CL 1897, 1439 ;-- CL 1915, 653 ;-- CL 1929, 5817 ;-- CL 1948, 322.176

### **322.177 College lands; patents, issuance.**

#### **Sec. 7.**

The governor of this state shall sign and cause to be issued patents for said lands, as soon as practicable after payment is made in full of principal, interest and all taxes, as aforesaid.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3933 ;-- How. 5374 ;-- CL 1897, 1440 ;-- CL 1915, 654 ;-- CL 1929, 5818 ;-- CL 1948, 322.177

### **322.178 College lands; proceeds of sale; deposit; interest; use.**

#### **Sec. 8.**

The money received from the sale of the lands described in this act shall be paid into the state treasury, and shall be placed in the general fund, to the credit of the agricultural college fund, and the annual interest on those funds computed at 7%, shall be regularly applied to the support and maintenance of Michigan state university, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach the branches of learning as are related to agriculture and mechanic arts, in order to promote the liberal and practical education of industrial classes in the several pursuits and professions of life.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- Am. 1871, Act 68, Imd. Eff. Mar. 31, 1871 ;-- CL 1871, 3934 ;-- Am. 1875, Act 60, Imd. Eff. Mar. 26, 1875 ;-- How. 5375 ;-- CL 1897, 1441 ;-- CL 1915, 655 ;-- CL 1929, 5819 ;-- CL 1948, 322.178 ;-- Am. 2002, Act 156, Imd. Eff. Apr. 8, 2002

### **322.179 College lands; examination by board of agriculture; agents, appointment, report, contents; price alteration, effective date, publication.**

#### **Sec. 9.**

The state board of agriculture shall from time to time, in their discretion as they may deem necessary to protect the best interests of the state, cause the lands under their care to be examined and their value and condition ascertained. To this end they may appoint 1 or more agents who shall make careful, personal examination of the lands which they are appointed to examine and report fully as to their character, value and condition at the time of such examination and in case any of said lands have been trespassed upon and their value deteriorated thereby, the agent examining such lands shall carefully estimate and report the amount and character of timber probably cut and removed, the date of the cutting and if possible, by whom or for whom the cutting was done. Upon receiving such reports of examination, the state board of agriculture shall consider them and if in the opinion of the board the best interests of the state would be promoted by changing the price or terms of sale of any or of all the lands concerned, the said board may alter by reducing or advancing the price per acre or the conditions of payment: Provided, That not less than 25 per cent of the purchase money shall be paid at the time of purchase. And when [the] price and terms are so fixed the said board shall fix the time when the change, if any be made will take effect, and cause the same to be published.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3935 ;-- How. 5376 ;-- Am. 1893, Act 189, Imd. Eff. June 1, 1893 ;-- CL 1897, 1442 ;-- CL 1915, 656 ;-- CL 1929, 5820 ;-- CL 1948, 322.179



### **322.180 College lands; examining agents; expenses; payment.**

Sec. 10.

Michigan state university shall certify from time to time to the state treasurer the amounts required for the services and expenses of examining agents and for the other expenses as may be necessary for the proper care and disposition of the lands described in this act and the state treasurer shall pay those amounts out of the general fund. All contracts and certificates of the board shall be signed by the treasurer of Michigan state university.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3936 ;-- How. 5377 ;-- Am. 1893, Act 189, Imd. Eff. June 1, 1893 ;-- CL 1897, 1443 ;-- CL 1915, 657 ;-- CL 1929, 5821 ;-- CL 1948, 322.180 ;-- Am. 2002, Act 156, Imd. Eff. Apr. 8, 2002

### **322.181 Timber lands; down payment.**

Sec. 11.

In the sale of lands, the principal value of which consists in the timber, the commissioner of the state land office shall require the payment of the entire amount of purchase money at the time of purchase, or such portion of the same, above 1/4, as he may deem for the best interest of the state.

**History:** 1863, Act 140, Imd. Eff. Mar. 18, 1863 ;-- CL 1871, 3937 ;-- How. 5378 ;-- CL 1897, 1444 ;-- CL 1915, 658 ;-- CL 1929, 5822 ;-- CL 1948, 322.181

## **Revised Statutes of 1846**

### **R.S. of 1846**

#### **Chapter 59**

#### **CHAPTER 59. OF THE STATE LAND OFFICE, AND THE OFFICERS CONNECTED THEREWITH.**

### **322.188 Commissioner of state land office; record of sales, contents.**

Sec. 8.

The commissioner shall keep a record of the sales of lands, and of the moneys received by him on account either of principal or interest, the date of such sale or payment, the description of the lands sold, with the number of acres thereof, and the name of each purchaser, or person paying such moneys, to whom he shall give a receipt for such moneys, and shall credit the proper fund therewith.

**History:** R.S. 1846, Ch. 59 ;-- CL 1857, 2427 ;-- CL 1871, 3797 ;-- How. 5226 ;-- CL 1897, 1289 ;-- CL 1915, 428 ;-- CL 1929, 5823 ;-- CL 1948, 322.188

**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.

### **322.191 Commissioner of state land office; powers.**

Sec. 11.

The said commissioner shall have the general charge and supervision of all lands belonging to the state, or which may hereafter become its property, and also of all lands in which the state has an interest, or which are or may be held in trust by the state for any purpose mentioned in this title, and may superintend, lease, sell, and dispose of the same in such manner as shall be directed by law.

**History:** R.S. 1846, Ch. 59 ;-- CL 1857, 2428 ;-- CL 1871, 3798 ;-- How. 5227 ;-- CL 1897, 1290 ;-- CL 1915, 429 ;-- CL 1929, 5824 ;-- CL 1948, 322.191

**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.

## **PUBLIC DOMAIN COMMISSION**

### **Act 280 of 1909**

322.202-322.214 Repealed. 1964, Act 256, Eff. Aug. 28, 1964;â€”1994, Act 451, Eff. Mar. 30, 1995.

## **COMMISSIONER OF STATE LAND OFFICE; ABOLISHED**

### **Act 270 of 1913**

AN ACT to provide for abolishing the office of commissioner of the state land office and for the transfer of the duties thereof.

**History:** 1913, Act 270, Eff. Aug. 14, 1913

*The People of the State of Michigan enact:*

### **322.221 Office of commissioner of state land office; abolition, transfer of powers and duties to public domain commission; transfer of ex officio memberships to superintendent of public instruction.**

Sec. 1.

The office of the commissioner of the state land office shall be abolished from and after December 31, 1914. All duties devolving upon said officer, and all the powers and authority incidental to said office, prior to or upon December 31, 1914, shall thereupon be transferred to and become the duties, powers and authority of the public domain commission, which commission shall, from and after December 31, 1914, exercise all the powers and authority and be charged with the performance of any and all such duties as may be required or prescribed in connection with the office of commissioner of the state land office except as herein provided. The superintendent of public instruction shall, from and after December 31, 1914, take the place of the commissioner of the state land office on the board of state auditors and all other boards, committees or commissions of which the commissioner of the state land office is by virtue of his office a member. The superintendent of public instruction shall, as a member of such boards, committees or commissions, perform the same duties and exercise the same powers and authority required of, and the powers and authority exercised heretofore by the commissioner of the state land office.

**History:** 1913, Act 270, Eff. Aug. 14, 1913 ;-- CL 1915, 462 ;-- CL 1929, 5852 ;-- CL 1948, 322.221

## CERTIFIED COPIES OF FIELD NOTES, MAPS, RECORDS, AND PAPERS

### Act 66 of 1869

322.231-322.233 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

## SECTION CORNERS AND BOUNDARIES

### Act 292 of 1907

AN ACT to provide for the surveying and establishing of section corners and the boundaries of unsurveyed lands in certain cases.

**History:** 1907, Act 292, Imd. Eff. June 27, 1907

*The People of the State of Michigan enact:*

#### **322.241 Section corners and boundaries of unsurveyed lands; establishment; surveyor, appointment.**

##### Sec. 1.

When it appears by the field notes of the United States survey of this state, on file in the state land office, that any section or quarter section corner or corners, were omitted and were not properly established by such survey, or when it shall appear that lands have been formed by accretions or otherwise upon the boundaries of the Great Lakes outside of the United States survey of this state, and belonging to the state of Michigan, the commissioner of the state land office shall be authorized to establish any such missing corners in any county in this state or to establish the boundary lines of such unsurveyed lands, and for such purpose may appoint and designate a competent surveyor to make the necessary surveys.

**History:** 1907, Act 292, Imd. Eff. June 27, 1907 ;-- CL 1915, 471 ;-- CL 1929, 5862 ;-- CL 1948, 322.241

**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.

**Former Law:** See Act 11 of 1879, being CL 1897, Â§Â§ 1308 to 1310, which was repealed by Act 240 of 1915, being CL 1929, Â§ 120.

#### **322.242 Surveyor; compensation and expenses, payment.**

##### Sec. 2.

The surveyor so appointed shall receive compensation for his time actually employed, not to exceed 5 dollars per day and his necessary expenses for chain men and assistants, to be approved by the commissioner of the state land office. The surveyor's bills for services and expenses shall be made on forms furnished by the commissioner of the state land office, and itemized and sworn to, and shall be audited by the board of state auditors, and when allowed by them, shall be paid out of the general fund.

**History:** 1907, Act 292, Imd. Eff. June 27, 1907 ;-- CL 1915, 472 ;-- CL 1929, 5863 ;-- CL 1948, 322.242

### **322.243 Original field notes; filing, effect.**

#### **Sec. 3.**

The original notes of the field work performed under the provisions of this act shall be placed on file in the state land office and all corners and boundary lines so established shall be of the same force and effect as those established by the original United States survey.

**History:** 1907, Act 292, Imd. Eff. June 27, 1907 ;-- CL 1915, 473 ;-- CL 1929, 5864 ;-- CL 1948, 322.243

## **SECTION CORNERS AND BOUNDARIES**

### **Act 312 of 1921**

AN ACT to provide for the surveying and establishing of section corners and boundaries of lands, and to provide for ascertaining, re-establishing, preserving and maintaining, in certain cases, the original section corners, quarter posts and boundaries as surveyed and recorded by the original survey.

**History:** 1921, Act 312, Eff. Aug. 18, 1921

*The People of the State of Michigan enact:*

### **322.251 Section corners and boundaries; establishment and perpetuation by department of conservation; appointment of surveyor; petition, bond; state highway commissioner, authority, duties.**

#### **Sec. 1.**

Whenever it shall appear by the field notes of the United States survey of this state, on file in the office of the department of conservation, or by any other satisfactory evidence, placed before the department of conservation, that any government section or quarter section corner or corners, or posts, were omitted or were not properly established by such survey, or having been established, are lost or are in danger of being lost; or when it shall appear by satisfactory evidence that any such corner or corners or any original land mark or marks in any county of this state, fixing the shore line of any lands bordering on any of the great lakes, and within the United States survey of this state, are missing, or improperly established, or lost, or are in danger of being lost, the department of conservation shall be authorized to establish and perpetuate any such corners or posts in any county in this state, or to re-establish the same as nearly as may be in conformity with the original United States survey, and also in case of lands bordering on any of the great lakes, to establish or re-establish and perpetuate, as nearly as may be in conformity with the original United States survey, any such corners, posts or land marks, fixing the boundary and shore lines of any such surveyed lands in any county of this state; and for such purpose may appoint and designate a competent surveyor to make the necessary surveys: Provided, however, That such work shall be done only upon the sworn petition of 6 or more interested freeholders, setting forth the desirability and necessity of such work, who shall be residents of the township or townships, city or village in which such work is to be done, and who shall agree in said petition to bear the necessary expense of such survey and shall file a bond, in form and amount to be determined and approved by said department of conservation, guaranteeing the payment of such expense within 30 days after notice that the same has been completed. Such notice shall be given in writing by the director of conservation, and shall be considered as having been given when the same has been deposited in the United States mails addressed to said petitioners at their several addresses set forth in said petition, and proof of the same has been placed on file in the office of said department: Provided further, That when such establishment, re-establishment, or perpetuation of such corners or posts in any county in this state shall be necessary for the proper construction, improvement, or maintenance of state trunk line highways, the state highway commissioner shall have the same authority to do such work as is herein conferred on the department of conservation, except, however, that

the conditions of the first proviso of this section shall not apply to such work when done by the state highway commissioner: Provided, Such corners or posts once lawfully established by either of the aforesaid authorities shall be recognized by, and be binding upon, the other: Provided further, That whenever any such corner markings shall hereafter be removed or destroyed in the course of state highway construction, repair or maintenance, it shall be the duty of said state highway commissioner to replace the same, as soon as may be, with an approved type of monument box or other standard marker.

**History:** 1921, Act 312, Eff. Aug. 18, 1921 ;-- CL 1929, 5866 ;-- Am. 1935, Act 134, Imd. Eff. June 4, 1935 ;-- CL 1948, 322.251

**Compiler's Notes:** The department of conservation, referred to in this section, was transferred to the department of natural resources by MCL 16.352.

### **322.252 Original field notes; filing, effect, admissible as evidence; applicability of act.**

#### **Sec. 2.**

The original notes of the field work performed under the provisions of this act shall be placed on file in the office of the department of conservation, and a complete record of such work shall also be placed on file and kept in the same book provided by the county for the surveyors' records, and kept in the office of the county surveyor in any county where such work has been performed, and all corners, boundary and shore lines so established shall be binding on the state of Michigan, and for such purpose shall have the same force and effect as those established by the original United States survey; and such records so made and entered shall be received as evidence in all the courts of this state, wherein any question may arise as to the establishment or identification of such corners, boundary and shore lines: Provided, That nothing in this act shall apply to lands where such corners, landmarks, boundary lines, section and quarter section lines are already properly established.

**History:** 1921, Act 312, Eff. Aug. 18, 1921 ;-- CL 1929, 5867 ;-- CL 1948, 322.252

## **RESERVED OR FORFEITED LANDS**

### **Act 21 of 1873**

AN ACT to require the commissioner of the state land office to give public notice of the restoration of reserved or forfeited state lands to market.

**History:** 1873, Act 21, Imd. Eff. Feb. 28, 1873

*The People of the State of Michigan enact:*

### **322.261 Reserved or forfeited lands; restoration to market, public notice required.**

#### **Sec. 1.**

That all lands of this state, which have been withdrawn from market for any purpose, or withheld from sale or pre-emption, in consequence of errors in books, or in consequence of marking sales or reservations upon maps, and all lands which have reverted, or may hereafter revert, to the state by reason of a failure in any manner to make payment for the same, or by a failure to comply with the terms of any state road, railroad or other grant or contract of this state, to or with any person or corporation, or by reason of a failure to comply with the conditions of any license or homestead act, shall not be subject to private entry or purchase, either with cash or scrip, until public notice of the restoration of such lands to market shall have been given in the manner hereinafter prescribed.

**History:** 1873, Act 21, Imd. Eff. Feb. 28, 1873 ;-- How. 5249 ;-- CL 1897, 1311 ;-- CL 1915, 475 ;-- CL 1929, 5868 ;-- CL 1948, 322.261

**Compiler's Notes:** The office of commissioner of the state land office, referred to in the title of this act, 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.

### **322.262 Reserved or forfeited lands; notice of restoration to market, publication, contents.**

#### **Sec. 2.**

The director of conservation shall be required to publish a notice of the restoration of such lands to market at least once in a newspaper published in the county where such lands are situated, if there be one published therein, and if not, then in some newspaper published in a county nearest to that in which said lands are located. Said notice shall state that the lands will be offered at public auction at a specified place and at a specified time, which shall be not less than 10 days after the date of the last published notice, and shall also state that a list of the lands to be offered will be placed on file at the office of the county treasurer of the county in which the lands are located.

**History:** 1873, Act 21, Imd. Eff. Feb. 28, 1873 ;-- How. 5250 ;-- CL 1897, 1312 ;-- CL 1915, 476 ;-- CL 1929, 5869 ;-- Am. 1933, Act 152, Imd. Eff. June 22, 1933 ;-- CL 1948, 322.262

**Compiler's Notes:** The powers and duties of the director of conservation were transferred to the department of natural resources by MCL 16.353.

### **322.263 Reserved or forfeited lands; sale to highest bidder, minimum price.**

#### **Sec. 3.**

In all cases where there are 2 or more applicants for the same tract of land present at the time of its restoration to market, said tract shall be offered in the smallest subdivision of which the same is susceptible, not less than 40 acres (unless the tract should be a fractional section or fractional part of a section containing a less number of acres) and sold to the highest bidder: Provided, No bid for any tract shall be received unless the price offered shall be equal to the minimum price of such land as fixed by law.

**History:** 1873, Act 21, Imd. Eff. Feb. 28, 1873 ;-- How. 5251 ;-- CL 1897, 1313 ;-- CL 1915, 477 ;-- CL 1929, 5870 ;-- Am. 1933, Act 152, Imd. Eff. June 22, 1933 ;-- CL 1948, 322.263

### **322.264 Reserved, forfeited or trust lands; sale in violation of act void.**

#### **Sec. 4.**

All entries or sales of any lands, such as are hereinbefore referred to, or of lands now held in trust by the state, which may hereafter become the property of the state by virtue of any of the provisions of such trust, if such entries or sales be permitted, or made, in violation of any of the provisions of this act shall be absolutely void, and the certificate issued thereon shall vest no title in the person or corporation entering or purchasing the same.

**History:** 1873, Act 21, Imd. Eff. Feb. 28, 1873 ;-- How. 5252 ;-- CL 1897, 1314 ;-- CL 1915, 478 ;-- CL 1929, 5871 ;-- CL 1948, 322.264

### **322.266 Applicability.**

#### **Sec. 6.**

This act does not apply to the sale of surplus land pursuant to the land exchange facilitation fund act.

**History:** Add. 1989, Act 87, Imd. Eff. June 20, 1989

## **PURCHASE OF STATE LANDS BY STATE EMPLOYEES**

### **Act 258 of 1861**

322.271, 322.272 Repealed. 1996, Act 203, Imd. Eff. May 17, 1996.

## **CERTIFICATES FOR SCHOOL AND UNIVERSITY LANDS**

### **Act 149 of 1848**

AN ACT authorizing and requiring the commissioner of the state land office to issue new certificates for school and university lands in certain cases.

**History:** 1848, Act 149, Imd. Eff. Mar. 30, 1848

*Be it enacted by the Senate and House of Representatives of the State of Michigan:*

### **322.281 School and university lands; new certificates, issuance; payment of interest on original.**

#### **Sec. 1.**

That the commissioner of the state land office be, and he hereby is authorized and required, upon being satisfied that no injury can result to the particular trust fund to be affected thereby, whether the same be the university or school fund, and upon the surrender of any original certificate, of purchase of any such university or school lands, to issue 1 or more new certificates, in lieu of said original one, to the persons who shall exhibit to such commissioner satisfactory evidence of being entitled thereto, and upon receiving from any such person or persons the full amount of interest due upon such original certificate up to and including the last preceding annual payment required thereby.

**History:** 1848, Act 149, Imd. Eff. Mar. 30, 1848 ;-- CL 1857, 2519 ;-- CL 1871, 3893 ;-- How. 5333 ;-- CL 1897, 1351 ;-- CL 1915, 526 ;-- CL 1929, 5926 ;-- CL 1948, 322.281

**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.

### **322.282 School and university lands; new certificates, indorsement of credits, computation of interest.**

#### **Sec. 2.**

At the time of issuing any such new certificates, the said commissioner shall indorse thereon the proper credits, pro rata, and of their proper dates for all payments of principal and interest moneys theretofore made upon the original certificate thus surrendered, and the interest upon such new certificate shall be computed from the last annual payment due on the original certificate.

**History:** 1848, Act 149, Imd. Eff. Mar. 30, 1848 ;-- CL 1857, 2520 ;-- CL 1871, 3894 ;-- How. 5334 ;-- CL 1897, 1352 ;-- CL 1915, 527 ;-- CL 1929, 5927 ;-- CL 1948, 322.282

**322.283 School and university lands; new certificates, affidavit of township supervisor, other evidence; discharge of certificate.**

Sec. 3.

The persons desirous of procuring such new certificate, shall, in every case, furnish the said commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the university or school fund, as the case may be; and the said commissioner may require any other evidence which he may deem necessary, and whenever the grantee of any deed duly executed by a sheriff, and conveying the right, title and interest of any person holding a certificate for any university or school lands, shall present such deed at the land office, and shall tender the balance of principal and interest due upon any such certificate, as the same shall appear from the books of said office, the commissioner thereof shall execute to such grantee, his heirs and assigns, a deed for the land described in such certificate, in the usual form, and the same shall be a full satisfaction and discharge of such certificate.

**History:** 1848, Act 149, Imd. Eff. Mar. 30, 1848 ;-- CL 1857, 2521 ;-- CL 1871, 3895 ;-- How. 5335 ;-- CL 1897, 1353 ;-- CL 1915, 528 ;-- CL 1929, 5928 ;-- CL 1948, 322.283

**CERTIFICATES FOR NORMAL SCHOOL LANDS**

**Act 42 of 1853**

AN ACT authorizing and requiring the commissioner of the state land office to issue new certificates for normal school lands in certain cases.

**History:** 1853, Act 42, Eff. May 16, 1853

*The People of the State of Michigan enact:*

**322.291 Normal school lands; new certificates, issuance; payment of interest on original.**

Sec. 1.

That the commissioner of the state land office be and he is hereby authorized and required, upon being satisfied that no injury can result to the trust fund to be affected thereby, and upon the surrender of any original certificate of purchase of any normal school lands, to issue 1 or more new certificates in lieu of said original one, to the persons who shall exhibit to such commissioner satisfactory evidence of being entitled thereto, and upon receiving the full amount of interest due upon such original certificate up to and including the last preceding annual payment required thereby.

**History:** 1853, Act 42, Eff. May 16, 1853 ;-- CL 1857, 2527 ;-- CL 1871, 3901 ;-- How. 5336 ;-- CL 1897, 1359 ;-- CL 1915, 534 ;-- CL 1929, 5930 ;-- CL 1948, 322.291

**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.



### **322.292 Normal school lands; new certificates, affidavit of township supervisor, other evidence.**

#### **Sec. 2.**

The persons desirous of procuring such new certificate, shall in every case furnish the said commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion, such division could be made without injury to the normal school fund; and the said commissioner may require any other evidence which he may deem necessary in the premises.

**History:** 1853, Act 42, Eff. May 16, 1853 ;-- CL 1857, 2528 ;-- CL 1871, 3902 ;-- How. 5337 ;-- CL 1897, 1360 ;-- CL 1915, 535 ;-- CL 1929, 5931 ;-- CL 1948, 322.292

## **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 appraisement, 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 appraisement 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

## **CERTIFICATES OF CORRECTION**

### **Act 19 of 1917**

AN ACT to authorize and empower the public domain commission to issue certificates of correction in certain cases, and to have the same recorded in the office of the register of deeds in any county wherein the lands affected by such certificate may be located.

**History:** 1917, Act 19, Eff. Aug. 10, 1917

*The People of the State of Michigan enact:*

### **322.381 Corrective deed; contents, issuance, seal, record.**

Sec. 1.

If the department of natural resources has executed and issued a deed that purports to convey title to lands in which this state held no interest, the deed has been recorded in the office of the register of deeds for the county in

which the lands are located, and, in an attempt to correct the erroneous sale and transfer, a deed has been executed to this state by the grantee of the original deed, the department of natural resources shall record the corrective deed in the office of the register of deeds. At the same time, the department of natural resources shall issue a certificate stating that this state has and claims no title in or to the lands described in the corrective deed and that the certificate is issued to remove any cloud on the title to the lands that may have been caused by the original deed or by the corrective deed. The register of deeds shall record the certificate, and is entitled to the same fee as is charged for recording a real estate mortgage under section 2567 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567.

**History:** 1917, Act 19, Eff. Aug. 10, 1917 ;-- CL 1929, 5929 ;-- CL 1948, 322.381 ;-- Am. 2018, Act 198, Eff. Sept. 18, 2018

**Compiler's Notes:** The public domain commission, referred to in this section, was 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.

## SALE OF CERTAIN LANDS FOR RIGHT OF WAY

### Act 133 of 1917

AN ACT to authorize the public domain commission to sell or dispose of primary school, swamp, tax homestead or other lands under the control of said public domain commission in pieces or parcels less than a legal subdivision for a right of way over and across any of said lands to any telephone, telegraph, transmission, or power company or corporation and to authorize the board of agriculture to sell or dispose of agricultural college lands outside of the Iosco and Alcona forest reserve, in pieces or parcels of less than a legal subdivision to the said telephone, telegraph, transmission or power companies for a similar purpose.

**History:** 1917, Act 133, Eff. Aug. 10, 1917

*The People of the State of Michigan enact:*

### 322.391 Primary school, swamp, tax homestead and other lands; sale for right of way, price.

#### Sec. 1.

The public domain commission is hereby authorized and empowered to sell and dispose of any primary school, swamp, tax homestead or other lands held by the state subject to the control of the said public domain commission, in pieces or parcels of less than a legal subdivision, to any telephone, telegraph, transmission or power company or corporation, for a right of way over and across any such lands, and the board of agriculture is also hereby authorized to sell or dispose of any agricultural college lands not included within the forest reserve in the counties of Alcona and Iosco, in pieces or parcels of less than a legal subdivision, to any telephone, telegraph, transmission or power company for a right of way over and across any such agricultural college lands. Any of such lands shall not be sold or disposed of for any right of way for less than twice the appraised value per acre of such lands at the time of the withdrawal of such lands from sale.

**History:** 1917, Act 133, Eff. Aug. 10, 1917 ;-- CL 1929, 5932 ;-- CL 1948, 322.391

**Compiler's Notes:** The public domain commission, referred to in this section, was 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.

## LEASING, CONTROL, AND TAXATION OF CERTAIN STATE LANDS

### Act 326 of 1913

## LANDS GRANTED TO STATE FOR RAILROAD PURPOSES

### Act 197 of 1883

AN ACT to provide for the disposition of certain lands granted to the state of Michigan for railroad purposes by acts of congress of June 3, 1856, and March 4, 1879, upon the route from Grand Haven to Flint and thence to Port Huron, in the state of Michigan; to secure the title thereto to bona fide settlers and purchasers; to provide for the further sale thereof, and to provide for the adjustment of certain taxes heretofore assessed thereon.

**History:** 1883, Act 197, Eff. Sept. 8, 1883

*The People of the State of Michigan enact:*

#### **322.451 Lands granted to state for railroad purposes; issuance of patents; acreage; possession; improvements; deductions.**

##### Sec. 1.

That so much of the lands granted to the state of Michigan by acts of congress of June 3, 1856, and March 4, 1879, upon the route from Grand Haven to Flint and thence to Port Huron, extending from Grand Haven to Flint as in said acts designated, as have been purchased in good faith from Augustus D. Griswold or his grantees previous to the nineteenth day of January, 1876, William R. Bowes, as trustee of the Port Huron and Lake Michigan railroad company, or his successor, or of Amos Gould, or of either of their grantees, previous to the twenty-ninth day of January, A.D. 1881, shall have patents issued to them respectively for such lands: Provided, That the same shall be in 1 body and not in detached parcels, and shall not exceed 160 acres: And provided further, That such claimant or his grantors shall have been in actual and continued possession of such lands, and shall have resided thereon since January 1, 1881, and shall have made valuable improvements thereon: And provided further, That any number of acres received by such person or his grantors by virtue of Act No. 275 of the legislature of the state of Michigan of 1881, approved June eleventh, 1881, shall be deducted from the number of acres to be received by virtue of this section.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466a ;-- CL 1897, 1422 ;-- CL 1915, 636 ;-- CL 1929, 5985 ;-- CL 1948, 322.451

#### **322.452 Proofs of purchase and possession; made to commissioner of state land office; attendance of witnesses.**

##### Sec. 2.

Proofs of such purchase shall be made to the commissioner of the state land office by the production of conveyances, printed or written contracts, or duly certified copies thereof, if the same shall have been recorded, or in case of loss, without record, by at least 2 disinterested witnesses satisfactory to said commissioner of the state land office of such loss or of the existence of such conveyance or contract previous to the dates mentioned in section 1. Proof of such actual and continued possession and improvements by such claimant or his grantors shall also be made to said commissioner of the state land office by at least 2 disinterested witnesses, and said commissioner of the state land office in his discretion may require the personal attendance of such witnesses or receive sworn statements of such facts.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466b ;-- CL 1897, 1423 ;-- CL 1915, 637 ;-- CL 1929, 5986 ;-- CL 1948, 322.452

**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.

**322.453 Patents; issuance; acreage, limitation; proofs acceptable; precedence; conflicting claims; improvement, possession; right to patent, effect.**

Sec. 3.

Any person who shall have purchased in good faith by deed or contract any of said lands of the said Augustus D. Griswold, William R. Bowes, trustee, or his successor, or Amos Gould, or of the grantees of either of them, previous to the 29th day of January, A.D. 1881, shall have patent issued to them for the lands described by their respective purchases but not to exceed 160 acres. The proofs to be made under this section shall be by production of the original instrument, or of a certified copy of the record thereof: Provided, That no deed of purchase from Amos Gould shall be received or admitted under this section by said commissioner of the state land office unless the same shall have been properly recorded in the office of the register of deeds of the county where any of the lands in such conveyance described are situated previous to the first day of March, A.D. 1882: unless such evidence of purchase be by land contract proved by at least 3 witnesses to have been executed and delivered before January first, 1881: And provided further, That the party holding by deed or contract all 3 of the titles known as the Griswold, Bowes and Gould titles, as specified in this act, to any of these lands, shall be entitled to prove the same and receive patent therefor as aforesaid: And provided further, That any person holding the first mentioned 2 of such titles shall have preference over the holder of any 1 title by deed or contract and shall be entitled to prove the same and receive patent therefor as aforesaid; and in case any of said land is claimed by different parties deriving their respective titles from the said Griswold, Bowes, or Gould, or all or any 2 of them, then patents shall issue, as provided in this act, to said parties as joint owners: And provided further, That no claim under this section shall be allowed where the same shall conflict with the claims of actual settlers as provided in the preceding sections: And provided further, That any person who has resided upon any of these lands provided for in this section previous to the first day of January A.D. 1883, and has made valuable improvements thereon, and has continued in such possession since said first day of January, A.D. 1883, may make proof of such residence and improvements as provided for in section 2 of this act, within 3 months after this act shall take effect, and pay into the state treasury for the benefit of the purchaser entitled to such land under the provisions of this section as hereinbefore provided; or in case of there being no such purchaser entitled thereto, then for the benefit of the state the sum of 1 dollar and 25 cents per acre therefor, whereupon said commissioner of the state land office shall issue patent for such land to such resident, but for no larger quantity to any 1 claimant than 160 acres.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466c ;-- CL 1897, 1424 ;-- CL 1915, 638 ;-- CL 1929, 5987 ;-- CL 1948, 322.453

**322.454 Claims under act; time.**

Sec. 4.

All claims made by virtue of sections 1 and 3 of this act shall be made within 6 months after this act shall take effect, and not afterwards: Provided, That the commissioner of the state land office may extend the time to determine contested cases for 30 days.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466d ;-- CL 1897, 1425 ;-- CL 1915, 639 ;-- CL 1929, 5988 ;-- CL 1948, 322.454

**322.455 Sale of residue of lands; public auction; minimum price.**

Sec. 5.

All lands embraced within the provisions of this act and not disposed of at the expiration of 7 months from the date this act shall take effect, shall be offered for sale at public auction by the commissioner of the state land office at the minimum price of 1 dollar and 25 cents per acre.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466e ;-- CL 1897, 1426 ;-- CL 1915, 640 ;-- CL 1929, 5989 ;-- CL 1948, 322.455

### **322.456 Sale of residue of lands; public auction; place; time; notice, publication, contents.**

Sec. 6.

Such public auction shall be at the place of holding the circuit court in the county where said land is situated respectively, within 90 days after the time fixed for purchasers and settlers to file claims as provided in the foregoing sections. The said commissioner shall give at least 3 weeks' notice of such sale by publishing a notice thereof in at least 1 and not more than 2 newspapers published in such county, stating the time and place such sale is to commence and the descriptions of the lands to be offered in and for sale in such county.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466f ;-- CL 1897, 1427 ;-- CL 1915, 641 ;-- CL 1929, 5990 ;-- CL 1948, 322.456

### **322.457 Balance of lands; minimum price.**

Sec. 7.

At the expiration of the time provided for in the preceding sections, the commissioner of the state land office shall fix and establish the minimum price of such lands then remaining unsold at 50 cents per acre, which price shall thereafter be and remain the minimum price of said lands.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466g ;-- CL 1897, 1428 ;-- CL 1915, 642 ;-- CL 1929, 5991 ;-- CL 1948, 322.457

### **322.458 Proceeds of sales; disposition.**

Sec. 8.

The proceeds of all sales provided for in this act shall be paid into the state treasury.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466h ;-- CL 1897, 1429 ;-- CL 1915, 643 ;-- CL 1929, 5992 ;-- CL 1948, 322.458

### **322.459 Taxes and other sums; payment, refund.**

Sec. 9.

Any person applying for any of the lands under the provisions of this act, excepting those claiming under the last proviso of section 3 of this act, shall pay to the state treasurer the sum of 10 cents per acre and all taxes assessed upon the same since the date of his or his grantor's purchase of the same from either of the original parties mentioned in section 1 of this act as returned by the township treasurer of the respective townships where the same are situated, but without interest or other charges, and all taxes except as provided in this section, which have been paid to the state treasurer by any person who has received patents for any of said lands under the provisions of Act



No. 275 of the legislature of the state of Michigan of 1881, approved June 11, 1881, shall be refunded to such person or to his heirs or assigns by the said state treasurer, and be paid out of the general fund in the state treasury from any moneys in said fund not otherwise appropriated.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466i ;-- CL 1897, 1430 ;-- CL 1915, 644 ;-- CL 1929, 5993 ;-- CL 1948, 322.459

### **322.460 Adjustment of amounts due claimants.**

Sec. 10.

The state treasurer shall adjust the amounts due claimants under this act, and shall draw a warrant upon the state treasury for the amount due in favor of the person entitled to the amount within 3 months after application is made by that person. The balance of the taxes previously assessed upon the lands granted to this state and lying within the counties of Ottawa and Muskegon, upon the route extending from Grand Haven to Owosso and then to Flint, as described in this act and returned by the county treasurers of the counties of Muskegon and Ottawa to the state treasurer as delinquent and unpaid, and all interest and charges since accrued, are hereby canceled, and the state treasurer is hereby directed to credit the counties of Muskegon and Ottawa respectively with the amount of those taxes in all cases in which the tax has been previously charged back to those counties, with all interest and charges accrued upon the amounts charged back. However, the total amount of the credit shall not exceed the total amount the county may now be indebted to the state, and the counties of Muskegon and Ottawa shall credit up to the several townships in their respective counties all of the tax which has been charged back to the townships, or the proportion of the tax the county is credited with by the state.

**History:** 1883, Act 197, Eff. Sept. 8, 1883 ;-- How. 5466j ;-- CL 1897, 1431 ;-- CL 1915, 645 ;-- CL 1929, 5994 ;-- CL 1948, 322.460 ;-- Am. 2002, Act 355, Imd. Eff. May 23, 2002

## **THE LAND EXCHANGE FACILITATION FUND ACT**

### **Act 86 of 1989**

322.461-322.469 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

## **EXCHANGE OF STATE LANDS**

### **Act 193 of 1911**

322.481-322.485 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

## **CERTIFICATES FOR PART-PAID STATE LAND**

### **Act 230 of 1881**

AN ACT to provide for the issuing of new certificates for part-paid state lands in place of those lost or destroyed.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881

**322.491 New certificates; owner, application to circuit court.**

Sec. 1.

That whenever any part-paid certificate of primary school or other lands shall be lost or destroyed the owner of the land held under such certificate may apply to the circuit court for the county in which the land is situated for an order that a duplicate certificate may be issued.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5338 ;-- CL 1897, 1504 ;-- CL 1915, 726 ;-- CL 1929, 6043 ;-- CL 1948, 322.491

**322.492 New certificates; application; proof of loss; court order.**

Sec. 2.

The person making such application shall show to the satisfaction of the court that the certificate proposed to be restored has been lost or destroyed without the fault or connivance directly or indirectly of such applicant or of any one interested in the land covered by said certificate; and thereupon the court shall direct the manner of proceeding to supply the loss and the notices which shall be given to the parties interested in the application and to the commissioner of the state land office.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5339 ;-- CL 1897, 1505 ;-- CL 1915, 727 ;-- CL 1929, 6044 ;-- CL 1948, 322.492

**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.

**322.493 New certificates; subpoena of witnesses.**

Sec. 3.

The court before whom any such application is pending may issue subpoenas for and compel the attendance of witnesses, or may direct the examination of witnesses or interrogatories and compel such witnesses to submit to such examination for the purpose of establishing any point in any proceeding under this act.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5340 ;-- CL 1897, 1506 ;-- CL 1915, 728 ;-- CL 1929, 6045 ;-- CL 1948, 322.493

**322.494 New certificates; testimony, assignments.**

Sec. 4.

The said court shall take testimony as to the loss of the said certificate and the circumstances attending the same, and in case it shall appear that any assignments were attached to such certificate, the testimony of the party making such assignment, or of the witnesses thereto, and of the officer who acknowledged the same shall be taken if it can be obtained.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5341 ;-- CL 1897, 1507 ;-- CL 1915, 729 ;-- CL 1929, 6046 ;-- CL 1948, 322.494

### **322.495 New certificates; court order, contents.**

#### **Sec. 5.**

If the court shall be satisfied that said certificate and the assignments have been lost or destroyed without the fault or connivance of the owner thereof, an order shall be entered reciting the facts proved upon said hearing and declaring who at the time of said hearing was the owner of the land covered by the certificate and entitled to a new certificate therefor.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5342 ;-- CL 1897, 1508 ;-- CL 1915, 730 ;-- CL 1929, 6047 ;-- CL 1948, 322.495

### **322.496 New certificates; issuance; effect.**

#### **Sec. 6.**

Upon presenting to the commissioner of the state land office a certified copy of the order of said court, and upon the payment to him of 1 dollar, the said commissioner is hereby authorized to issue to the person entitled thereto a new certificate, which shall have like effect as the original certificate.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5343 ;-- CL 1897, 1509 ;-- CL 1915, 731 ;-- CL 1929, 6048 ;-- CL 1948, 322.496

### **322.497 New certificates; costs of proceedings; payment; court order, certified copy.**

#### **Sec. 7.**

All the costs of the proceedings in the circuit court, including the costs of taking testimony, giving or serving notice, witnesses' fees, officers' fees, and clerks' fees, shall be paid in each case by the person on whose behalf the proceedings are instituted before he shall be entitled to said certified copy of the order of said court in the said proceeding.

**History:** 1881, Act 230, Imd. Eff. June 7, 1881 ;-- How. 5344 ;-- CL 1897, 1510 ;-- CL 1915, 732 ;-- CL 1929, 6049 ;-- CL 1948, 322.497

## **RESTORATION OF STATE LANDS TO MARKET**

### **Act 40 of 1879**

AN ACT to provide for the restoration of certain state lands to market.

**History:** 1879, Act 40, Imd. Eff. Apr. 18, 1879

*The People of the State of Michigan enact:*

### **322.501 Reserved lands; taxes paid before issuance of patent; reversion to state; restoration to market.**

Sec. 1.

That all lawful taxes, together with the interest and charges thereon, assessed on any state land now or hereafter reserved on account of any road or ditch contract, shall be paid before the issue of any patent thereon; and in default of such payment, such lands shall revert to the state at the expiration of 3 months from the date when such patent shall have become due. The commissioner of the state land office shall restore such lands to market in the manner now provided by law, and at the minimum price at which such lands were reserved, with such taxes, interest and charges added thereto.

**History:** 1879, Act 40, Imd. Eff. Apr. 18, 1879 ;-- How. 1209 ;-- CL 1897, 1511 ;-- CL 1915, 733 ;-- CL 1929, 6050 ;-- CL 1948, 322.501  
**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.

## PATENTS TO SWAMP LANDS; ASSESSMENT AND TAXATION

### Act 101 of 1869

AN ACT to provide for the issuing, delivering or depositing patents to swamp lands, and to provide for the assessment and taxation of such lands.

**History:** 1869, Act 101, Imd. Eff. Apr. 2, 1869

*The People of the State of Michigan enact:*

#### 322.511 Swamp land patents; issuance, application.

Sec. 1.

That whenever any person of [or] persons shall be entitled to state swamp lands, by reason of the performance of any labor, or the fulfillment of any contract, it shall be the duty of the commissioner of the state land office to cause to be issued such patents and deliver the same to the person or persons entitled thereto, if applied for at the state land office; and in case no such application is made within 30 days from the time such person or persons shall be entitled to such swamp lands, (then in such case), the said commissioner shall file such patent or patents in his office, subject to the order of the person or persons entitled to the same.

**History:** 1869, Act 101, Imd. Eff. Apr. 2, 1869 ;-- CL 1871, 3996 ;-- How. 5447 ;-- CL 1897, 1512 ;-- CL 1915, 734 ;-- CL 1929, 6051 ;-- CL 1948, 322.511

**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.

#### 322.512 Swamp land patents; annual list to county treasurer; assessment and taxation of lands.

Sec. 2.

It shall be the duty of such commissioner to furnish to the several county treasurers, in each year, and in time for assessment, a list of all such lands so patented according to the provisions of section 1 of this act; and such lands so patented, shall be subject to assessment and taxation as other assessable and taxable lands. Lists of all lands now subject to be so patented, shall be furnished by said commissioner to the county treasurers, and by the county

treasurers to the supervisors of the proper townships, in time for the assessment of the year 1869, so far as the same may be practicable.

**History:** 1869, Act 101, Imd. Eff. Apr. 2, 1869 ;-- CL 1871, 3997 ;-- How. 5448 ;-- CL 1897, 1513 ;-- CL 1915, 735 ;-- CL 1929, 6052 ;-- CL 1948, 322.512

### **322.513 Swamp land patents; alternate description, issuance.**

Sec. 3.

Whenever any person shall neglect or refuse to designate to the commissioner the particular descriptions of land to which he or she may claim patents by reason of part performance of his or her contract, it may and shall be lawful for such commissioner to cause to be issued patents for each alternate description of land, as the same appears on the list of lands reserved by such person or persons, and such patents so issued, shall be deemed and held as valid as if the same were particularly ordered by the person entitled thereto.

**History:** 1869, Act 101, Imd. Eff. Apr. 2, 1869 ;-- CL 1871, 3998 ;-- How. 5449 ;-- CL 1897, 1514 ;-- CL 1915, 736 ;-- CL 1929, 6053 ;-- CL 1948, 322.513

## **PATENTS ISSUED BY GOVERNOR**

### **Act 83 of 1846**

AN ACT to authorize the governor to issue patents in certain cases.

**History:** 1846, Act 83, Imd. Eff. Apr. 28, 1846

*The People of the State of Michigan enact:*

### **322.521 Patents; issuance by governor to original purchaser or assignee; acknowledging assignments, waiver of informalities.**

Sec. 1.

That the governor be and he is hereby authorized to issue to the original purchaser or to any assignee who can show title in himself derived from an unbroken chain of assignments of a certificate of sale, issued by the commissioner of the state land office, a patent for the lands therein described: Provided, Said lands have been fully paid for to the state: And provided also, That the assignment, if made since the twenty-eighth day of April, 1846, shall be duly executed and acknowledged in the manner deeds are required to be by the laws of this state; but if such assignment that said assignee claims under was made prior to the twenty-eighth day of April, 1846, any informality therein may be waived, and such patent issued to such assignee upon a satisfactory showing that he is equitably entitled to the same.

**History:** 1846, Act 83, Imd. Eff. Apr. 28, 1846 ;-- CL 1857, 2515 ;-- Am. 1865, Act 159, Eff. June 22, 1865 ;-- CL 1871, 3889 ;-- How. 5345 ;-- CL 1897, 1515 ;-- CL 1915, 737 ;-- CL 1929, 6054 ;-- Am. 1947, Act 126, Imd. Eff. May 26, 1947 ;-- CL 1948, 322.521

**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.

### **322.522 Patents; issuance in name of deceased person.**

#### **Sec. 2.**

That whenever any purchaser, or assignee of any purchaser shall decease before application is made for any patent, such patent (if said lands are paid for) shall be issued in the name of such deceased person, and shall have the same effect as though it had been issued during the lifetime of such person.

**History:** 1846, Act 83, Imd. Eff. Apr. 28, 1846 ;-- CL 1857, 2516 ;-- CL 1871, 3890 ;-- How. 5346 ;-- CL 1897, 1516 ;-- CL 1915, 738 ;-- CL 1929, 6055 ;-- CL 1948, 322.522

### **322.523 Certificate of purchase; sale by executor or administrator for payment of debts.**

#### **Sec. 3.**

Whenever any purchaser or assignee of a purchaser shall die or shall have died before the issuing of a patent for the lands described in any such certificate, his executor or administrator may sell such certificate, and all the right, title and interest which the deceased had in the lands therein described, for the payment of debts, upon obtaining license therefor, and proceeding in the same manner, as near as may be, as is provided by law for the sale of real estate by executors and administrators for the payment of debts.

**History:** 1846, Act 83, Imd. Eff. Apr. 28, 1846 ;-- CL 1857, 2517 ;-- CL 1871, 3891 ;-- How. 5347 ;-- CL 1897, 1517 ;-- CL 1915, 739 ;-- CL 1929, 6056 ;-- CL 1948, 322.523

### **322.524 Applicability of act.**

#### **Sec. 1.**

Be it enacted by the senate and house of representatives of the state of Michigan, That the provisions of an act entitled "An act to authorize the governor to issue patents in certain cases," approved April 28th, 1846, shall be, and the same are hereby made applicable to all certificates of sale lawfully issued by the superintendent of public instruction, prior to the establishment of the state land office, and patents shall be issued therefor, and upon the assignments thereof, in the same manner, on the same condition, under the same restrictions, and with the like effect as in the several cases contemplated by the provisions of said act.

**History:** Add. 1849, Act 130, Eff. Mar. 26, 1849 ;-- CL 1857, 2518 ;-- CL 1871, 3892 ;-- How. 5348 ;-- CL 1897, 1518 ;-- CL 1915, 740 ;-- CL 1929, 6057 ;-- CL 1948, 322.524

## **NEW DEEDS TO PURCHASERS OF STATE LANDS**

### **Act 61 of 1935**

AN ACT to authorize the director of conservation to issue new deeds in place of deeds heretofore issued by the state of Michigan to good faith purchasers of land from the state whose record title made be defective for the reason that the state did not have title to said lands at the time of the original transfer but has since acquired title to the same.

**History:** 1935, Act 61, Imd. Eff. May 17, 1935

*The People of the State of Michigan enact:*

**322.551 New deeds; issuance by state.**

Sec. 1.

Any person or the heirs, executors, administrators or assigns of any person who has made a good faith purchase of land from the state of Michigan and received from the state a conveyance purporting to pass absolute title to said land, shall be entitled to a second conveyance by the state if it shall be found that, at the time of the original conveyance, title to the land was vested in the United States and that the title has been subsequently acquired by the state from the United States. The director of conservation is hereby authorized to issue a quit claim deed in such case to any person entitled thereto, providing said person shall submit to the attorney general evidence of his ownership in said land, and that the attorney general shall certify to the director of conservation that said person is entitled to have a good and sufficient title to said land, based upon the original conveyance from the state.

**History:** 1935, Act 61, Imd. Eff. May 17, 1935 ;-- CL 1948, 322.551

**LIVESTOCK GRAZING ON STATE LANDS**

**Act 66 of 1959**

AN ACT to prohibit the running at large on or the grazing upon any land owned by or under the control of the department of natural resources and environment, by cattle, horses, sheep, and swine; to provide for the enforcement of this act; and to prescribe penalties for the violation of the provisions of this act.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

*The People of the State of Michigan enact:*

**322.581 Definitions; running at large or grazing by animal; permit; running at large by swine as public nuisance.**

Sec. 1.

- (1) As used in this act:
  - (a) "Animals" means cattle, horses, sheep, or swine.
  - (b) "Department" means the department of natural resources and environment.
  - (c) "Director" means the director of the department of natural resources and environment.
- (2) The owner of any animal shall not allow the animal to run at large or graze upon any lands owned by or under the control of the department except under authority of a written permit issued by the director.
- (3) The owner of any swine shall not permit the swine to run at large or graze upon any lands owned by or under the control of the department. Swine running at large are a public nuisance.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

**322.582 Animal found grazing or running at large; possession by director; liability.**

Sec. 2.

- (1) The director may take possession of any animal found grazing or running at large in violation of section 1.
- (2) The director is not civilly or criminally liable for complying with subsection (1).

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.583 Seizure of animals; care while impounded.**

Sec. 3.

If the director seizes any animal under section 2, the director shall impound it in a suitable place and furnish it with suitable care, food, and water as long as it remains impounded.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.584 Notice of impounding; posting; contents.**

Sec. 4.

Within 48 hours after the impounding of any animal under section 2, the director shall post in 3 conspicuous places in the township where the animal was seized a written notice of the impounding. The notice shall contain the place, date, and reason for the seizure and the number and description of the animals impounded.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.585 Auction; notice; posting.**

Sec. 5.

If a person does not appear to claim an animal impounded under section 2 within 7 days after the date of impounding, the director shall sell the animal by auction in the county where it is impounded. The director shall first advertise the sale by posting a notice thereof in 3 conspicuous places in the county not less than 5 days before the sale and by serving a copy of the notice on the owner of the animal if the owner is known and resides in the county.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.586 Claim of ownership of impounded animal; payment.**

Sec. 6.

If, at any time prior to 24 hours immediately preceding the date and hour fixed for the sale, the owner files with the director, in writing, a statement under oath that he or she is the owner of the animal and pays to the director a sum of 50 cents for each day the animal was impounded, the director shall deliver the animal to the owner. If the owner refuses or neglects to pay the sum due, the director shall sell the animal at auction as provided in section 5.



**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.587 Escape of impounded animal; retaking.**

Sec. 7.

If any animal impounded under section 2 escapes, the director at any time within 7 days thereafter may retake the animal and hold and dispose of it as provided in this act, as if no escape had taken place.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.588 Animals impounded; unlawful interference, misdemeanor.**

Sec. 8.

Any person who without lawful authority attempts to or removes, takes or interferes with, in any manner, any animals impounded under authority of this act is guilty of a misdemeanor.

**History:** 1959, Act 66, Eff. Mar. 19, 1960

### **322.589 Animals impounded; sale; disposition of proceeds; claim by owner.**

Sec. 9.

All money received by the director from the sale provided for in section 5 shall be deposited with the state treasurer in accordance with established accounting procedure and law and, after all costs and expenses for rounding up, impounding, caring for, feeding, advertising, and selling the animal as certified by the director have been paid therefrom, the balance remaining shall be held in trust by the state treasurer for a period of 90 days. If within 90 days after the sale the previous owner of the animal at the time of seizure establishes to the satisfaction of the director his or her previous ownership of the animal, the balance held in trust shall be paid to the previous owner by the state treasurer. If the previous owner does not appear within the 90-day period, then the state treasurer shall credit the balance held in trust to the general fund of this state. All money received by the director under section 6 shall be deposited with the state treasurer in accordance with the law and established accounting procedure and credited to the general fund of this state.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

### **322.590 Criminal liability of owner.**

Sec. 10.

This act does not relieve an owner of any animal of any criminal liability or penalty which may be otherwise provided by law for allowing or permitting animals to graze or run at large on lands owned by or under the control of the department.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

**322.591 Permits; sale; terms and conditions.**

Sec. 11.

The terms and conditions of the permits and for the sale of animals impounded under section 2 shall be determined by the director.

**History:** 1959, Act 66, Eff. Mar. 19, 1960 ;-- Am. 2010, Act 70, Imd. Eff. May 13, 2010

**322.592 Killing of swine running at large; authority not limited.**

Sec. 12.

This act does not limit authority provided under section 4a of 1976 PA 328, MCL 433.14a, to kill swine running at large.

**History:** Add. 2010, Act 70, Imd. Eff. May 13, 2010.

**CAMP REGISTRATION CARDS**

**Act 48 of 1952**

322.601-322.608 Repealed. 1995, Act 58, Imd. Eff. May 24, 1995.

**EASEMENTS OVER STATE OWNED LANDS**

**Act 421 of 1982**

322.611-322.617 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

**EASEMENTS FOR PUBLIC UTILITIES**

**Act 10 of 1953**

322.651 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

**GREAT LAKES SUBMERGED LANDS ACT**

**Act 247 of 1955**

322.701-322.715 Repealed. 1995, Act 59, Imd. Eff. May 24, 1995.

**WILDERNESS AND NATURAL AREAS ACT OF 1972**

**Act 241 of 1972**

322.751-322.763 Repealed. 1995, Act 59, Imd. Eff. May 24, 1995.

**PEAT ON STATE-OWNED LANDS**

**Act 204 of 1984**

322.801-322.811 Repealed. 1995, Act 57, Imd. Eff. May 24, 1995.

**DARK SKY PRESERVE**

**Act 57 of 1993**

322.821-322.826 Repealed. 1995, Act 58, Imd. Eff. May 24, 1995.