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

The People of the State of Michigan enact:

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

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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

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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