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:

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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

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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

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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

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