

Retaining and Resurvey  
 Township N<sup>o</sup> 30. N. Range N<sup>o</sup> 3 W. Mer. Mich.



Map No. 1  
 Date of Survey 1854-55 and 1856-57

14-2

1st. See also yellow and pencil in the survey

Total number of Acres 26429 71

Survey	By Whom Surveyed	Date of Survey	Amount of Acres	Area Surveyed	Area Closed in the Survey
1854-55	A. M. McCall	1854-55	26,429 71	26,429 71	26,429 71
1856-57	J. E. Brown	1856-57	26,429 71	26,429 71	26,429 71
1858-59	J. E. Brown	1858-59	26,429 71	26,429 71	26,429 71

The above list of Township N<sup>o</sup> 30 North of Range N<sup>o</sup> 3 West of the Principal Meridian of Michigan is a truly correct and a full and complete description of the land in the region and has been examined and approved by the Surveyor General of Michigan.  
 J. E. Brown, Surveyor General.  
 (Seal of Michigan 1857)

of Otsego Lake, in secs. 20 and 21, T. 30 N., R. 3 W., were not island areas, separate and distinct at ordinary high water level from the mainland shores in 1837, the date of Michigan's admission into the Union, or in 1856, the date of the township's resurvey.

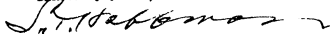
These excess lands are approximately 50 acres in size, having dimensions of about 55 chains along the present shore and an average width of 6 to 8 chs., with one point about 20 chs. in depth. It is believed that this particular area would fall within the rule established by the United States Supreme Court in the case of U. S. v Lane (260 U.S. 662). The court so held:

"Lots patented under the public land laws according to a plat showing them bordering on a lake extend to the water as a boundary and embrace pieces of land found between it and the meander line of the survey where the failure to include such pieces was consistent with a reasonably accurate survey, considering the areas included and excluded, the difficulty of surveying them when the survey was made and their value at that time."

Therefore, this office does not believe that these excess lands, or more particularly the areas designated by you as Islands 1 and 2, are public lands of the United States, omitted through gross error or fraud, and subject to survey and disposal in accordance with the public land laws and regulations. The title thereto is considered to have passed from the United States with the patenting of the adjoining surveyed lots.

Material submitted by you is returned except for the map prepared from the aerial photograph.

Sincerely yours,



Supervisor

Enclosure