

Case No. 8,619.

LYELL v. MAYNARD.

{6 McLean, 15.}<sup>1</sup>

Circuit Court, D. Michigan.

June Term, 1853.

EVIDENCE—COPY OF PATENT BY COUNTY RECORDER.

A certified copy of a patent, by the recorder of a county, is not evidence, as the law does not require the patent to be recorded in the county.

{Cited in Moran v. Palmer, 13 Mich. 375.}

At law.

Davidson & Halbrook, for plaintiff.

Campbell, Hawkins & Morgan, for defendant.

OPINION OF THE COURT. This is an action of ejectment. To sustain the right of the plaintiff, a certified copy of the patent was offered for the land in controversy, which was objected to, as the law did not require patents emanating from the general government to be recorded. THE COURT held that the copy was not evidence certified by the recorder of a county, as there was no law requiring the patent to be recorded in the county, or declaring that such a copy

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should be evidence. Patents are recorded in the general land office, and a certified copy from that office is evidence.

<sup>1</sup> [Reported by Hon. John McLean, Circuit Justice.]