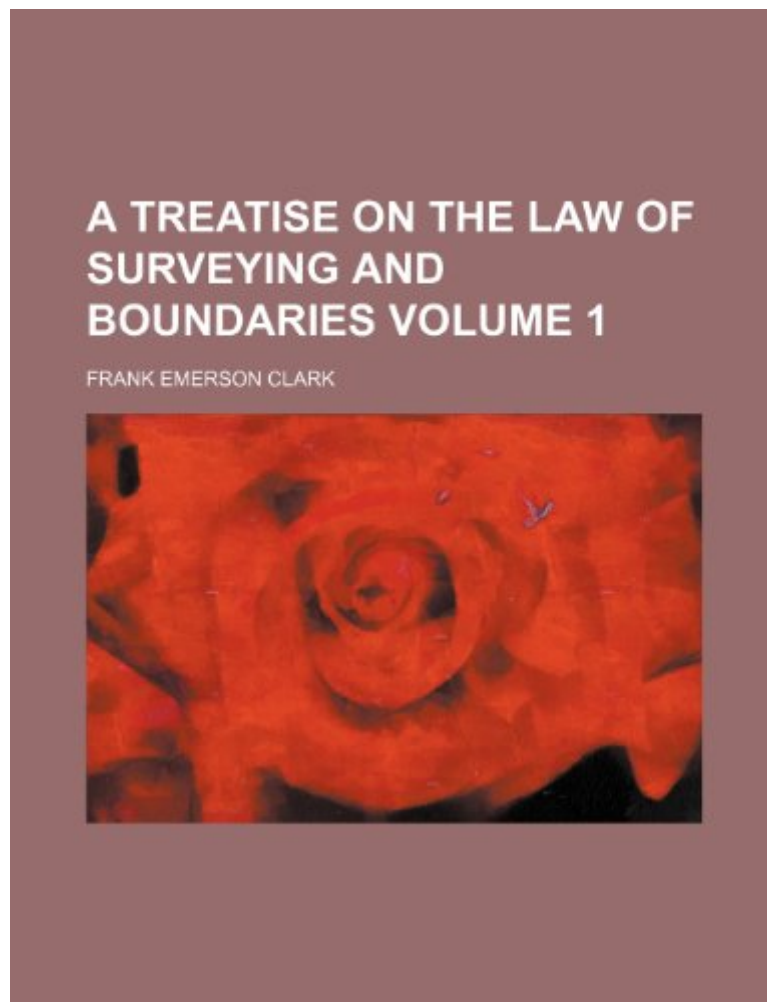


A treatise on the law of surveying and boundaries Volume 1 PDF



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A treatise on the law of surveying and boundaries Volume 1 by Frank Emerson Clark ISBN 1236232763

This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1922 Excerpt: ...the state, and that the title of the "Franzini v. Layland, 120 Wis. ""Barney v. Keokuk. 94 U. S. 72, 97 N. W. 499 324, 24 L. ed. 224. f"Post § 295. "St. Louis v. Rutz. 138 U. S. 89St. Louis v. Rutz, 138 U. S. 226. 226, 34 L. ed. 941. n Sup. Ct. 337 34 L. ed. 941. 11 Sup. Ct. 337 riparian proprietor extends only to that line."92 The court further suggests that this rule applies as well where the land was granted to bound upon the river generally, as where it was granted according to a survey run along the bank by meandering and hence that it applied to the city of Keokuk. § 296. Accretion and movable islands--Avulsion.--It has been held that, "the law of title by

accretion can have no application to a movable island, traveling for more than a mile, and from one state to another, for its progress is not imperceptible, in a legal sense."⁹³ It is often important to ascertain whether a change is imperceptible or sudden or perceptible. If the former, the boundary line changes accordingly; if the latter such boundary line remains as it was before, and it is said in *St. Louis v. Rutz*, that, "If the bed of the stream changes imperceptibly by the gradual washing away of the banks, the line of the land bordering upon it changes with it: but if the change is by reason of a freshet, and occurs suddenly, the line remains as it was originally."^{Vi} So, too, it is the universal rule that "the sudden and perceptible loss of land on the premises conveyed to the plaintiff, which was visible in its progress, did not deprive the grantor of the plaintiff of his fee in the submerged land, nor change the boundaries of the surveys on the river front, as they existed when the land commenced to be washed away."⁹⁵ Whe...

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