

§ 458. **Invalid plat.**—Where a deed conveys lots according to a recorded plat, the fact that the plat is invalid does not affect the deed.³³

§ 459. **Adjoining property may be consulted.**—Where a description by metes and bounds is supplemented by a reference to a particular lot or subdivision of land to indicate the tract intended to be conveyed, the former, though to be preferred, by ordinary rules of construction, as the more certain expression of the intention of the grantor, will not, however, necessarily be controlling, if under all the circumstances, the land intended to be conveyed more clearly appears by the latter description.³⁴

§ 460. **Monuments control over quantity.**—A definite description in a deed naming the point of beginning, the monuments, and courses and distances, followed by a statement as to the number of acres conveyed, passes only the quantity of land included in the specified boundary, though that is less than the number of acres stated.³⁵

§ 461. **Government plan and quantity aid construction.**—The fact that the patent described the land as “the N. E. 1/4 of S. E. 1/4 of Sec. 8” instead of as Lot 4, does not exclude from the grant any of the land that would properly be in Lot 4, where it appears by the government plan that it was intended to pass Lot 4, which was marked as containing the same number of acres as were granted by the patent.³⁶ Fig. 92. The court held the description carried the point between the lake and the quarter-line.

§ 462. **Corners as actually established to govern.**—In construing a deed describing land by the government survey, the court must ascertain the corners of the survey as actually established, and not as they ought to have been established; but

³³Young v. Cosgrove, 83 Iowa, 682, 49 N. W. 1040; Borer v. Lange, 44 Minn. 281, 46 N. W. 358.

³⁴Cannon v. Emmans, 44 Minn. 294, 46 N. W. 357.

³⁵Silver Creek Cement Co. v. Union Lime Co., 138 Ind. 297, 35 N. E. 125, 37 N. E. 721.

³⁶Sheppard v. Wilmott, 79 Wis. 15, 47 N. W. 1054.