

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1844.**

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*AUGUSTA:*  
WM. R. SMITH & Co., PRINTERS.

1844.

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TWENTY-FOURTH LEGISLATURE.

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No. 17.]

[HOUSE.

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REPORT

OF THE

COMMITTEE ON STATE LANDS.

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[W. R. SMITH & Co....Printers to the State.]

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
January 30, 1844. }

ORDERED: That 300 copies of the foregoing Report, be printed  
for the use of the House.

WM. T. JOHNSON, *Clerk.*

## REPORT.

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THE committee on State Lands, to whom was referred the petition of Jacob Main,

### REPORT:

That the petitioner purchased of the State two lots of land situated in township letter F, second range of townships west from the east line of the State, containing three hundred eighteen acres eight square rods, for which he gave his notes for two hundred thirty six dollars forty eight cents.

The records in the Land office show that the petitioner received a deed of said two lots, December 15th, 1840, of three hundred eighteen acres and eight square rods, more or less. The petitioner further sets forth in his petition, that Mr. Barnard has since surveyed said lots, and that they contain only one hundred and eighty acres. For this deficiency in the quantity of land purchased, the petitioner prays the Legislature to make him some remuneration.

Two questions are presented in this case: one is, whether there is an error in fact as represented by the petitioner? And the other is, whether the Legislature should now correct the error, if it is satisfactorily established?

The township stated in the petition was subdivided under the provisions of an act of the Legislature directing the mode of surveying the public lands.

It appears by the field notes and plan of the official survey in the Land office, that said lots contain the full quantity as purchased by the petitioner.

The committee are of opinion that it would be impolitic and hazardous to consider the survey of any person not employed by the government, of superior authority to the survey made by the State surveyor, and are therefore not satisfied that any deficiency in quantity does exist.

If the deficiency could be satisfactorily shown by certificate of the State surveyor, still the policy of the State would not in the opinion of your committee warrant the correction, except in extreme cases, after a deed had been delivered. The townships and subdivisions surveyed under the authority of the State, generally contain and even exceed the quantity represented; and if in any instance there may be a deficiency, the State is under no covenant or obligation to make good or supply the defect. In the survey of public lands it must be equally known to all that mistakes may occur; but a defective measurement may always be ascertained and avoided by a careful examination or re-survey before purchase.

If, however, purchasers trust in the correctness of the State surveys, and there is a deficiency in the lots so surveyed, it is their loss, and if there is an overplus, it is their gain. After land has been selected and the deed given, the contract should be considered as final and complete.

Your committee are therefore of the opinion that the prayer of the petitioner ought not to be granted.

HENRY W. CUNNINGHAM, *Chairman.*