

MAINE STATE LEGISLATURE

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October 11, 1939

The Real-Estate Trust Company
of Philadelphia
S.E. Corner Broad and Chestnut Streets
Philadelphia, Pennsylvania

Attention of Mr. F. F. McCarthy, Ass't Sec'y

Dear Sir:

Mr. Sylvester L. Poor Junior Engineer of the State Highway Commission has consulted us with reference to your letter of October 6th, in which you suggest that the deed of land belonging to John Gribbel, Incorporated to the State of Maine does not meet the requirements of your company on the ground that it is, in substance, a conveyance of land rather than a Right-of-Way.

The form used in this conveyance under our law, we construe to be a conveyance of a Right-of-Way in that it is provided that the grantor doth "hereby give, grant, bargain, sell and convey unto the State of Maine the right to enter upon construct and perpetually maintain a public highway over and across _____ certain lot or parcel of land situate in the _____ and State of Maine, and bounded and described as follows:".

It has been our understanding that such a conveyance is not a straight warranty deed conveying the land to the State. Should your counsel decide otherwise we would respectfully suggest that in this case we will comply with any suggestions which he has to offer. Of course we would appreciate a statement of his reasons for construing this form as being a conveyance of land rather than a Right-of-Way.

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

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