

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 526

STATE OF MAINE.

RESOLVE, in favor of Harry A. Furbish.

Resolved: That the sum of twelve hundred seven dollars
2 and twelve cents be, and the same is hereby appropriated out
3 of the State treasury, to be paid to Harry A. Furbish of
4 Rangeley, in the county of Franklin, to reimburse him for
5 damages, costs and expenses on account of a suit brought
6 against him for cutting stumpage in Dallas plantation under
7 a permit from the State land agent, which it afterwards
8 appeared the said official had no authority to grant, as the
9 State had long before parted with its title to said land.

STATEMENT OF FACTS.

The State land agent issued a permit, under the seal of the land office, dated November 16, 1904, authorizing Harry A. Furbish to cut and remove the timber upon the reserved lots in Dallas plantation known as the Philbrick lot and the public lots in the northwestern corner of said plantation. Acting under said permit, said Furbish did cut 281,904 feet of timber, for which he paid to the State land agent the sum of \$809.03. At the time the permit was issued and the timber cut, both the land agent and Furbish understood and believed that the land in question was the public lots of said plantation, and that the land agent had authority to permit the cutting of the timber as aforesaid. Afterward, one Stephen R. Philbrick brought suit against said Furbish, claiming the ownership of said land. In said suit, tried before a jury of the supreme judicial court of Franklin county, the claimant recovered judgment against said Furbish in the amount of \$907.86. together with the costs of suit; for which sum, together with the costs for his own witnesses, attorneys and other cash disbursements, the said Furbish claims that he should be reimbursed by the State, the total amount of such claim being \$1207.12, as per the following items:

Verdict and interest thereon	\$997 43
Taxable costs of suit	59 08
Paid attorneys' fees	90 00
Paid surveyor	30 76
Paid other witnesses and expenses	29 85

\$1207 12

The \$809.03 which said Furbish paid to the land agent was by him turned into the State treasury and credited to the school fund of said plantation.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 13, 1907.

Reported by Mr. LANE from Committee on Claims, and ordered
printed under joint rules.

E. M. THOMPSON, *Clerk.*