

Researching the Records of Original Municipal Grants and Charters and Revisions Thereto

Brian Nelson Burford
NH State Archives
December 4, 2003

Historical Records

- **Primary Sources**

records created at the time an event takes place, or by a participant in the event

e.g.: *Statutes*
 Court Decisions
 Reports of Perambulations

- **Secondary Sources**

sources which interpret the primary sources

e.g.: *Town Histories*

Township or Town

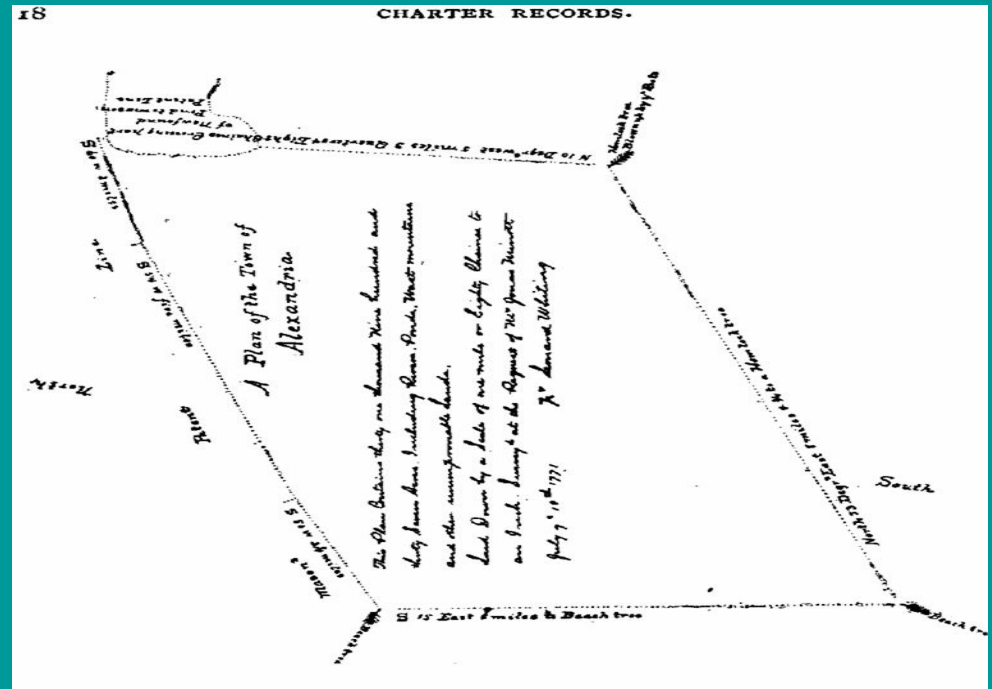
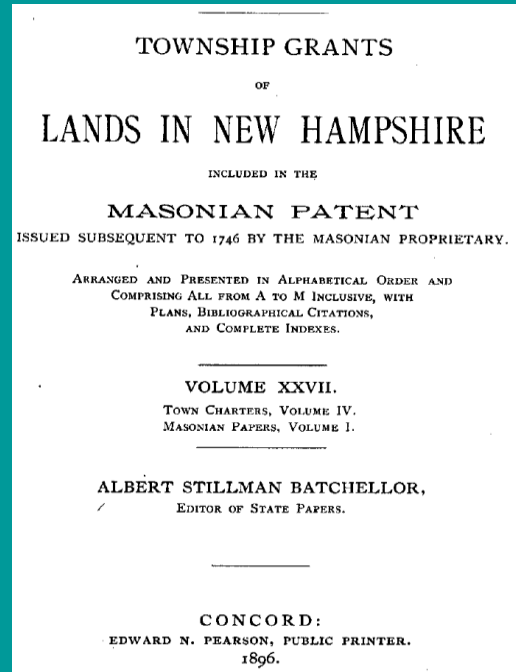
- Township is a large block of private land
(it may be intended to eventually become a town)
- Town is a public organization erected to
maintain public order

Private or Public

Grant or Charter (Incorporation)

- Grant is the transfer of ownership
- The Charter is a legislative act incorporating a body of government and the rules that government must follow
 - *Private or public*

Township Grants



- Grants of land to proprietors usually did not create a political subdivision, but rather a tract of privately owned land (though owned by many individuals together)

Town Charters

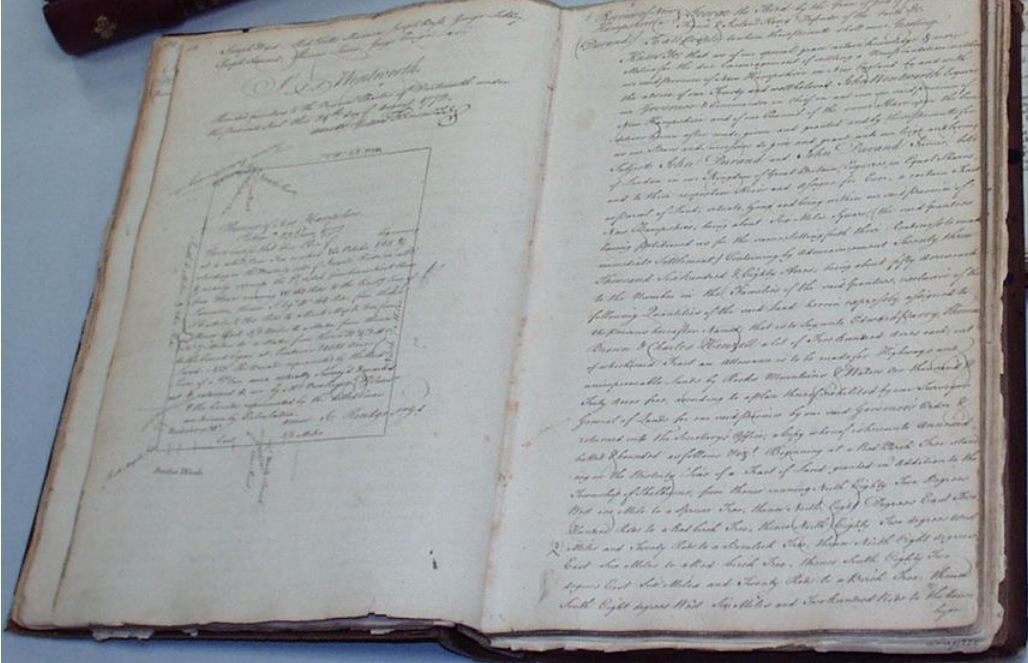
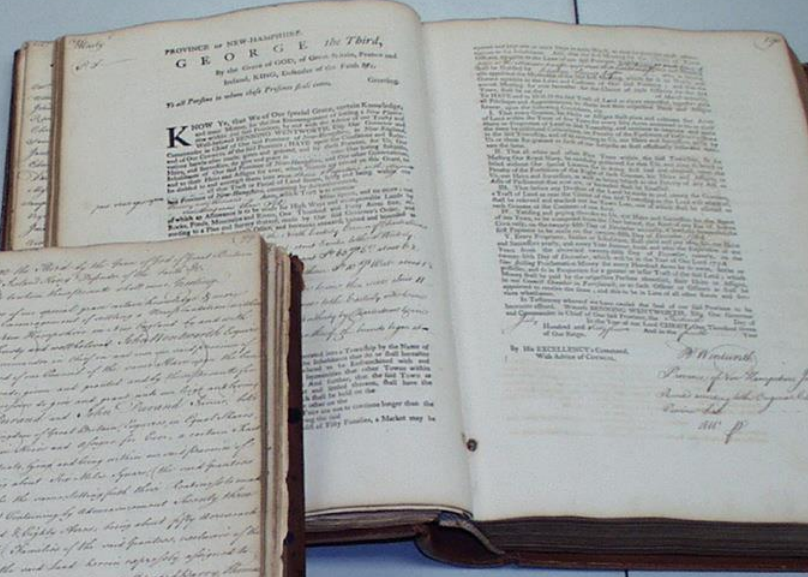
Grants of political jurisdiction by the sovereign to a local corporation

Note: There were grants of ownership of the land, and there were grants of political jurisdiction. Occasionally, these two grants were included in the same document, when the grant came from a representative of the sovereign. But “Town Charter” refers to the grant of political jurisdiction.

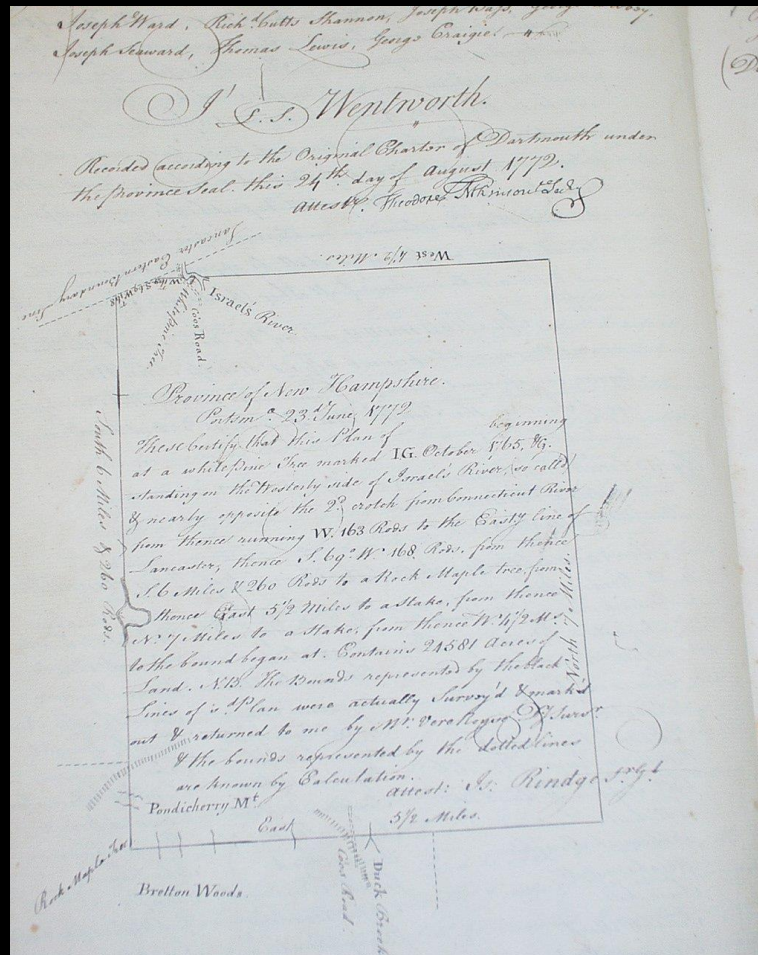
SOURCES OF CHARTERS

- Colonial Period
 - King, through the Royal Governor
- State Period
 - State, through Act of Legislature to Incorporate

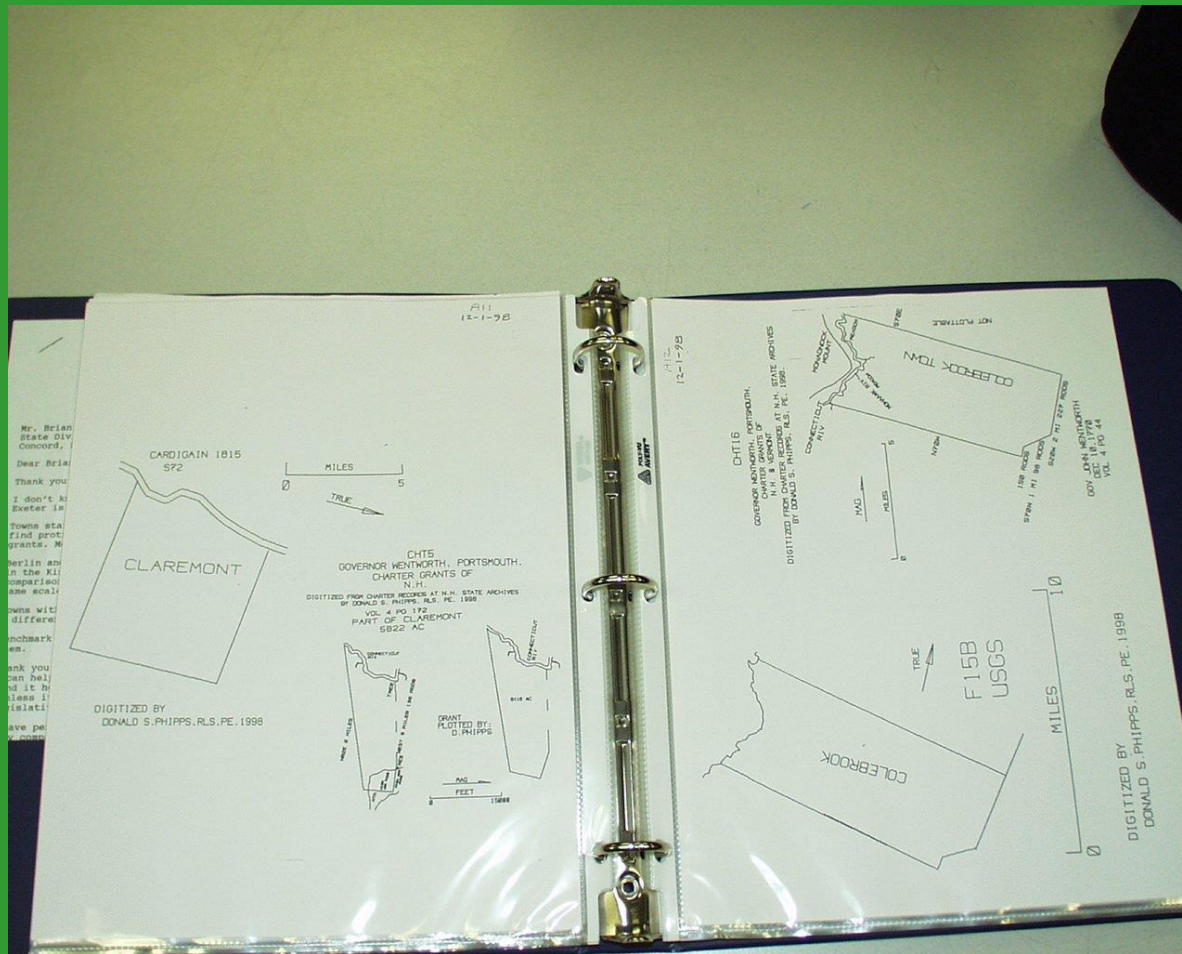




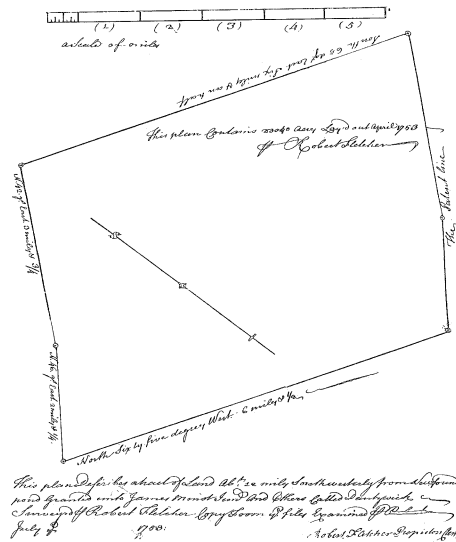
Map of Jefferson in Town Grant



Don Phipp's CAD drawings of Town Charters



Masonian Plans

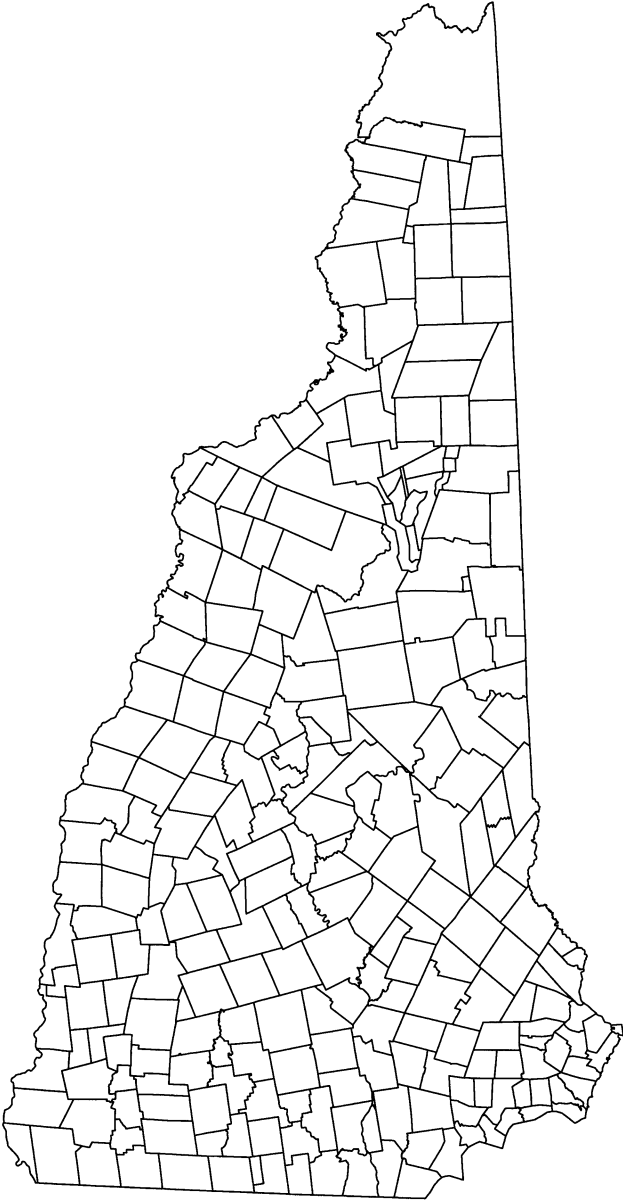


1753 survey of Dantzick (Newbury) by Robert Fletcher

Origins of “Town Lines”

- May be the lines of the township grant
- May follow internal subdivision lines of the township
 - May be a school district or parish line
 - other lines

Legislature delegated to towns the privilege of creating water and sewer districts, voting district (wards)



WHAT DO WE NEED TO KNOW?

- 1. How was the town line described when it was created (and amended over time)?

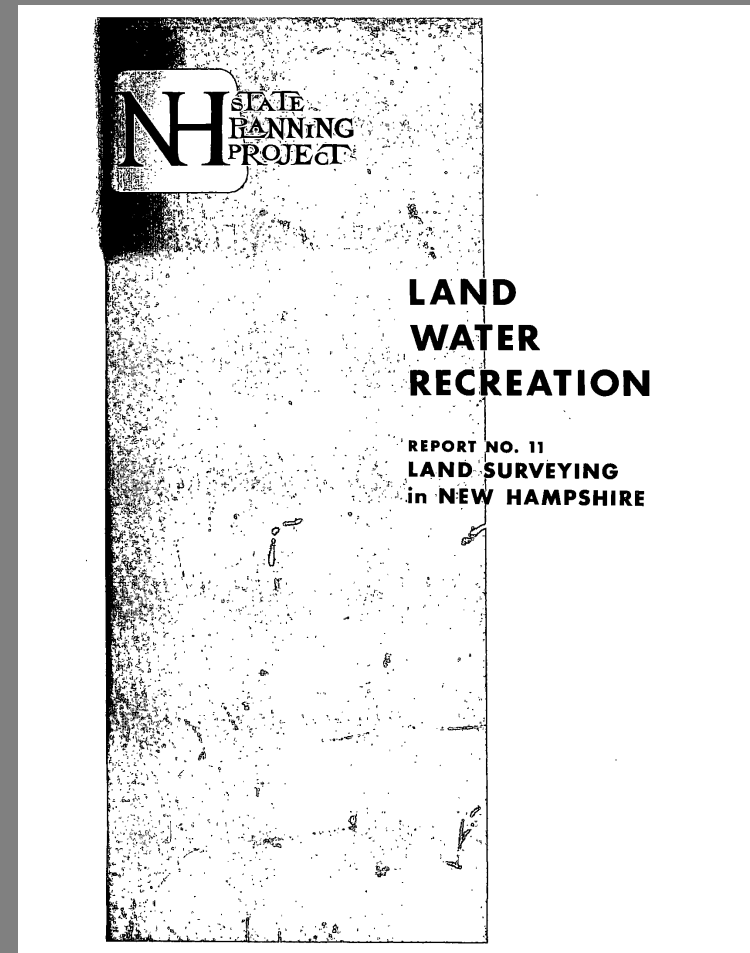
and

- 3. Where is the documentary and physical evidence of those actions?

- 2. How have those descriptions been interpreted in the years since it was created?

Quick Source

- A simple source of information about town line changes is Elton Robert's "Report #11: Land Surveying In New Hampshire", Appendix X-C also being Appendix #3 of [Manual on Municipal Boundaries](#).



What Appendix #3 Shows

Five Columns:

- Town Name
- Date *Granted*
- Date Settled
- Date *Incorporated*
- Former names and boundary changes

Appendix X-C (continued)

STRAFFORD				
Town	Date of Grant	Date of Settlement	Date of Incorporation	Former Place-names and Boundary Changes
Strafford County	....	....	....	See footnote, Table II.
Barrington	1722	1722	1742	Strafford set off in 1820. Part of Rochester annexed in 1846.
Dover	....	1623	1855	Part became Newington in 1713. Somersworth in 1720. Durham in 1732, and Madbury in 1742. Part of Rollinsford annexed in 1879.
Durham	....	Prior to 1640	1732	Part of Dover ("Over River") until 1732. Part became Madbury in 1742; and Lee in 1766. Durham-Newmarket boundary set in 1818, but an additional part went to Newmarket in 1870.
Farmington	....	1770	1798	Part of Durham until 1766. Durham Lee and Roping-Lake boundary set in 1818.
Lee	....	1666	1766	Part of Durham and Dover until 1732.
Madbury	....	About 1793	1699	Part of Durham until 1742.
Madison	....	1749	1778	Part of Durham until 1766.
Milton	....	1740	1802	Part of Rochester until 1802. Part to Wakefield in 1858.
New Durham	....	1752	1762	Part ("New Durham Gore") became Lee in 1766.
Rochester	....	1718	1742	Part to Farmington in 1798, to Milton in 1802, and to Barrington in 1846.
Rollinsford	....	About 1708	1849	Part of Somersworth until 1849. Part to Dover in 1870.
Somersworth	....	1700	1754	Part of Dover until 1720. Part became Rollinsford in 1849.
Stratford	....	1773	1820	Part of Barrington until 1820.
SULLIVAN				
Town	Date of Grant	Date of Settlement	Date of Incorporation	Former Place-names and Boundary Changes
Sullivan County	....	....	....	See footnote, Table II.
Acworth	1752, 1766, 1772	1757	1766	Known as "New Burnet" then "Ackworth" before 1772.
Charlestown	1726, 1753	1744	....	Part became Langdon in 1782. Part of Unity annexed in 1810.
Charleston	1764	1763	1764	Part of Unity annexed in 1828.
Concord	1763	1760	....	Part of Grantham boundary set in 1808. Part of Concord annexed in 1809 and of Grantham in 1844.
Crofton	....	1760	1763	Part to Grantham in 1808 and to Cornish in 1809.
Crofton	....	1760	1763	Part to Grantham in 1808 and to Cornish in 1809.
Crofton	....	1760	1763	Part to Newbury, Sunapee, Newbury, Unity, and Lempster until 1791. Part of Unity annexed in 1837.
Crofton	....	1760	1763	Known as "New Grantham" until 1813. Part to Cornish in 1820, to Cornish in 1844, and "Planted" in 1856.
Grantham	1761, 1767	1767	1818	Part of Crofton annexed in 1808, and Springfield-Grantham Gore in 1858.
Langdon	....	1773	1787	Part of Charlestown and Waipole until 1782.
Lempster	1728, 1733, 1761, 1767	1770	1761	Part to Cochen in 1791. Lempster-Washington boundary set in 1812.
Newport	1752, 1761	1766	1761	Part to Cochen in 1791.
Piscataway	1761	1764	....	Part of Grantham annexed in 1856.
Springfield	1760	1752	1764	Known as "Four Corners" until 1760. "Waipole Gore" annexed in 1812.
Sunapee	1706	1772	1781	Known as "Deville" then "Wendell" until 1850. Part to Cochen in 1791, and to New London in 1834 and 1817.
Unity	1765, 1764	1764	1764	Known as "Backham" until 1764. Part to Cochen in 1791 and 1837, to Charlestown in 1810, and to Charlestown in 1828.
Washington	1735, 1751, 1768	1758	1776	Known as "Moosehook No. 5," "New Concord" and "Camden" until 1776. Part to Bradford in 1787. Washington-Lempster boundary set in 1814.

reprinted from

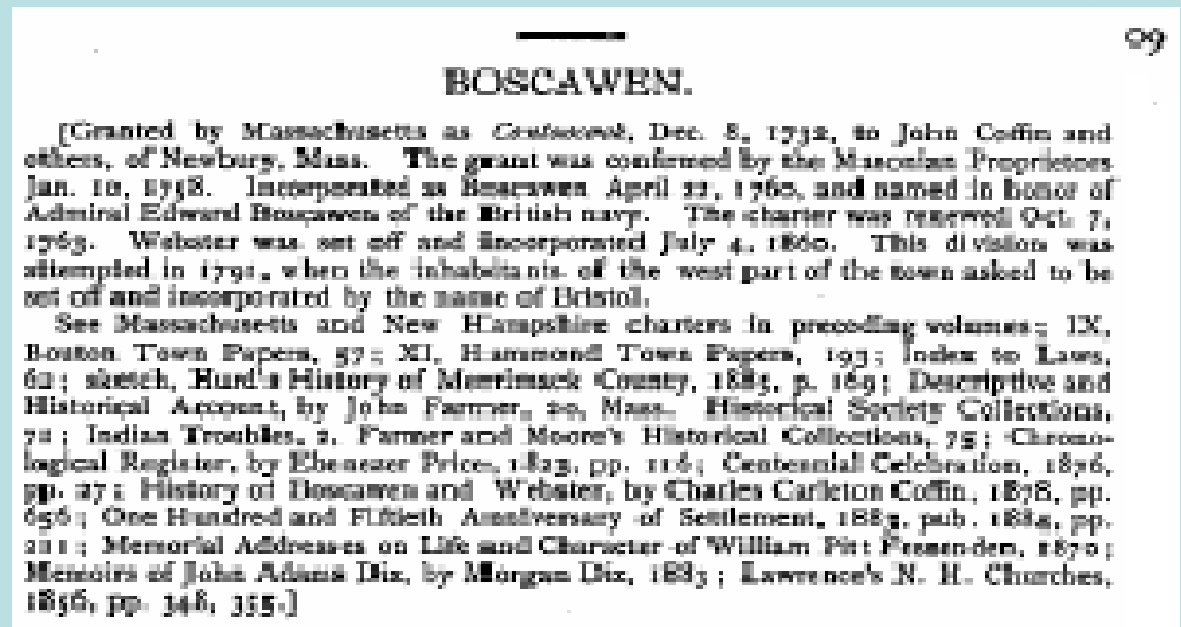
State Planning & Development Commission, Population of New Hampshire, Part 1: Basic Data on growth and distribution since the time of settlement, 1623-1940 (Concord, 1946)

Another Quick Source

- New Hampshire State Papers: Town Charters Volumes (24-29)

Notice “Granted”>
“Confirmation Grant”
“Incorporated”

example from NHSP vol. 27, pg. 109



Excerpt of the Description of Dunbarton from Volume 27 of the New Hampshire State Papers

194

CHARTER RECORDS.

Pudney & James Rogers both one Such Share Equally to them their Heirs & Assigns, Excepting as hereafter Excepted on the terms Conditions and Limitations herein after Expressed, all that Tract or parcel of Land within the Province of New Hampshire. Containing about five Miles Square more or Less Bounded as follows, viz Beginning at the Main River on the Northerly Side of a Tract of Land lately Granted by said Proprietors to Thomas Parker & others and runing Westward as far as that Tract of Land runs Joining on the Same, then running North two Degrees West five Miles & one hundred & Eighty rods, then North Seventy Nine Degrees East till it Comes to a place Called Rumford then runing South Seventeen Degrees East three hundred & forty Rods then East till it Comes to the Township of Bow, then by that till it Comes to said River and then by that till it Comes to the place where begins.—

To have and To hold to them their Heirs and Assigns as aforesaid

and 1885-1995

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Last updated: January 21, 2001
Last printed: May 16, 2001

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*Manuscript
In-Progress
Not Complete*





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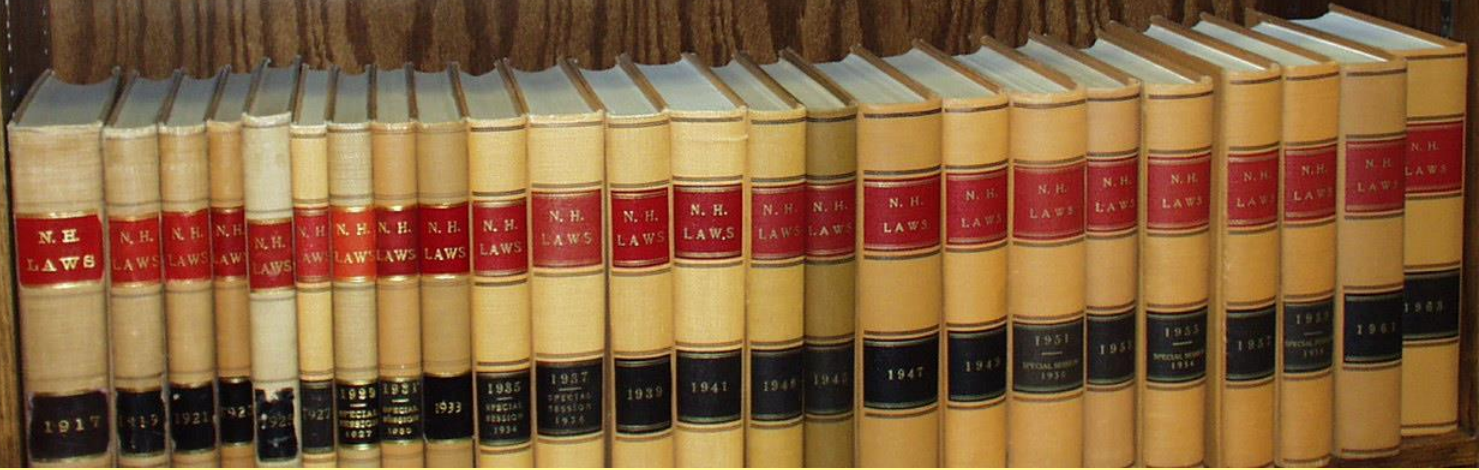
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SESSION LAWS



CREATING TOWN LINES

- The Legislature passes an act to incorporate a town, delegating certain powers of government, and describing the territory over which it has jurisdiction
 - or amends powers or limits of jurisdiction

Petitions to the Legislature or Governor & Council

To His Excellency Benjamin Wentworth Esq. Gov. of New Hampshire 25 JUNE 1766
in Council and House of Representatives in general Assembly convened

The Petition of Thomas Middleton, Isaac Mason, Edward
Edmunds & Nath. Long of the Town of Portsmouth in the Province of New Hampshire
Humbly Shew that Your Petitioners by Reason of their near Situation
to the Meeting House in said Town in the Province of New Hampshire, being in the Province
Part of said Province on the west Side of the River of the said Province
Meeting House had to travel from any Meeting House ~~in~~ in said Province
Your Petitioners have for the space of ten Years last past, continually attended & seen
Your Excellency in the said Province, and without the opportunity of being
to apply to the Honorable House of Representatives in their respective
Petitioners receive any Benefit from any School or said Province with their great
Costly Charges in your Petitioners, being their Expenditure to said Town
Your Petitioners and their several Estates being included in the Limits of said
Province according to the said Law (before said Law), have continually
they do pay the respective Taxes according to their several Proportions &
Members are obliged to pay and attend in said Province, without enjoying
any of the Privileges therein. WHEREFORE your Petitioners Humbly
pray that their respective Estates may be set off to said Province ~~in~~
within the Limits of the same, that the respective Towns between them have mentioned
Towns may be ascertained and established for the future so that Your
Excellency & Honorable House may appoint such Ways and Means as in
Your great Wisdom you may think fit. And your Petitioners as
in Duty bound, shall ever pray

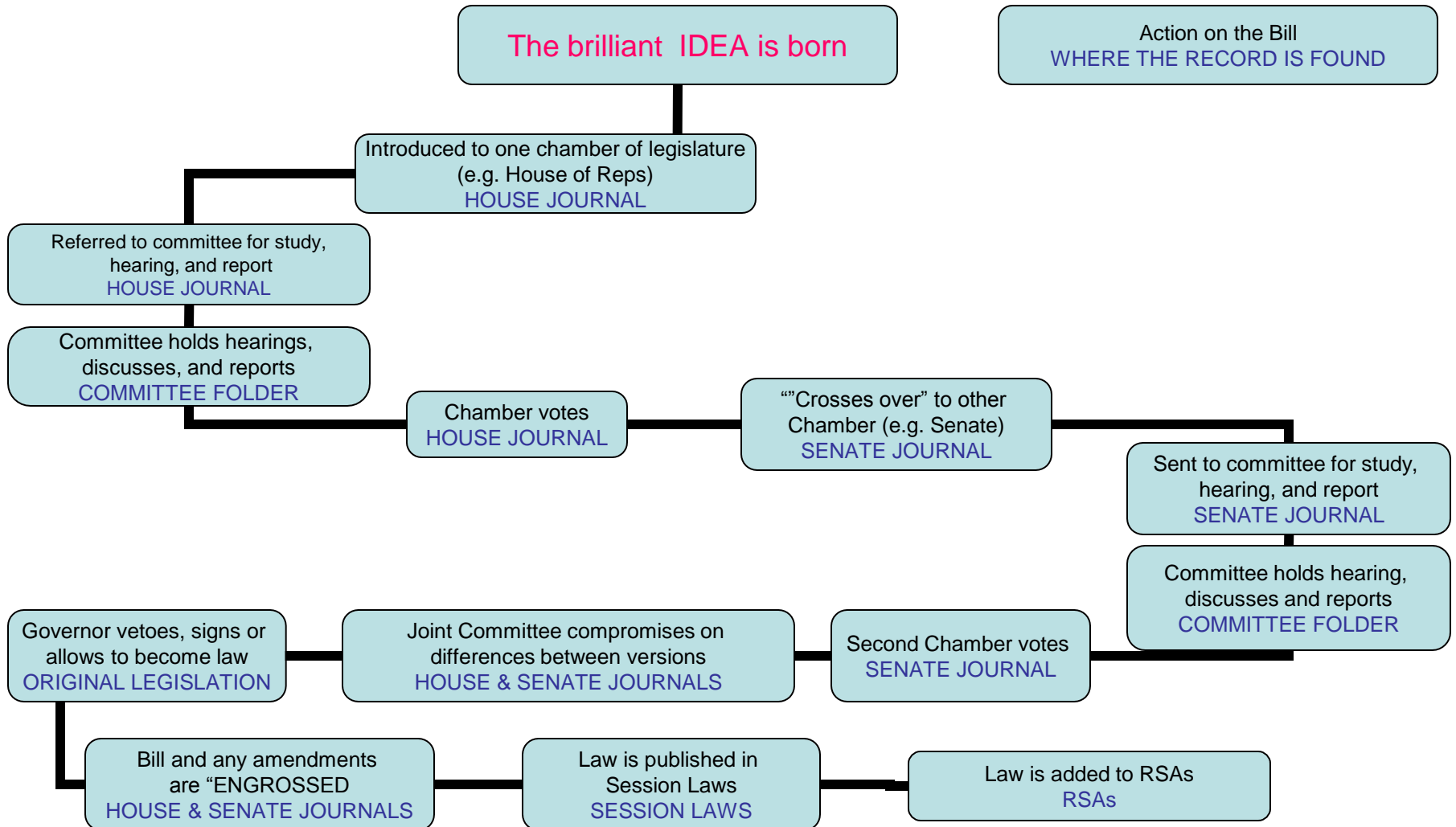
Dorland June 25th 1766
Thomas Middleton
Isaac Mason
Edward Edmunds
Nath. Long

1600s – 1870s

Legislative Records

- In recent years, knowing the Bill Number and Year, one *may* be able to see the background papers considered by the Legislature before passage (CALLED A “LEGISLATIVE HISTORY”) since about 1950, but certainly since 1979.

Civics 101



Legislative History

- For example, House Bill 435 from 1983 for Lee-Barrington town line

Legislative Records (1)

HOUSE OF REPRESENTATIVES

5445C
83-0967
01

HOUSE BILL NO. 435

INTRODUCED BY: Rep. Musler of Strafford Dist. 3

REFERRED TO: Municipal and County Government

AN ACT legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

ANALYSIS

This bill legalizes the placement of a stone marker along the boundary line between Lee and Barrington, as approved by both towns at their 1981 annual meetings.

5445C
83-0967
01

HB 435
STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and eighty-three

AN ACT

legalizing a certain marker placed along the boundary
between the towns of Lee and Barrington.

Be it Enacted by the Senate and House of Represen-
tatives in General Court convened:

1 Boundary Marker Legalized. The placement of a stone marker along the boundary line between the towns of Lee and Barrington, located at the edge of the New Hampshire route 125 right of way at coordinates north 242.355.12, east 676, 210.82, as approved at the 1981 annual town meetings of the towns of Lee and Barrington, is hereby legalized, ratified and confirmed.

2 Effective Date. This act shall take effect upon its passage.

Legislative Records (2)

HOUSE

Municipal and County Government

Minutes of Public Hearing March 30, 1983

Executive Session March 31, 1983

HB 435 - legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

Sponsor - Rep. Musler of Strafford Dist. 3

Support - Rep. George Musler - Rep. Strafford Dist. 3 Selectman
Town of Barrington
Legalizing a marker to show the Lee-Barrington boundary.

Rep. Perry - moved
Rep. Golden - 2nd

The committee voted ought to pass 14 - 0 - consent calendar

Respectfully submitted,

JoAnn T. Mose

JoAnn T. Mose, Clerk

MUNICIPAL AND COUNTY GOVERNMENT 1983 SESSION

House BILL # 435 - Legalizing a certain marker placed along the boundary between the towns of Lee and Barrington. Consent Calendar

PUBLIC HEARINGS: *March 30, 1983*

EXECUTIVE SESSIONS: *3/31/83*

SEAT	YEAS	NAYS	OTHER	ABSENT
Mann, Ezra B., II, Chm.	4-6			
Lamprey, George S., V. Chm.	2-99			
King, Roger G.	5-36	✓		
Day, Robert H.	2-92	✓		
Gray, Leonard W.	3-39	✓		
Lawrence, John P.	3-110	✓		
Perry, David M.	4-96	✓		
Paradis, Alme H.	4-89			
Jacobson, Alf E.	1-32			
Golden, Paul A.	3-49	✓		
Grodin, Richard A.	4-27			
Morse, JoAnn T.	4-37	✓		
Renev, Everett R.	4-12	✓		
McIntire, Frank E.	4-56			
Cronin, Lawrence	1-14	✓		
Drewniak, Dorothy J.	2-98			
Healy, Walter	2-35			
Clark, Eugene W.	3-11	✓		
Dupont, Helene R.	3-87	✓		
Hamel, Paul J.	5-37			
Peters, Arnold W.	4-59	✓		
Talbot, Armand D.	3-100	✓		
Cressy, Ellen M.	2-72			

Moved Perry

2nd Golden

Ought Pass - 14-0

COMMITTEE REPORT:

Legislative Records (3)

HB - 435

March 31, 1983

No opposition - all voted Ought to Pass.

Moved - Perry
2nd - Holden

HB - 435

March 30, 1983

Yes. Musler - Rep - Strafford Dist 3
Selectman - Town of Barrington

Musler - Legalizing a marker to
show the Lee-Barrington Boundary.

Legislative Records (4)

SENATE

SENATE

ORIGINALLY SCHEDULED FOR MAY 16, 1983. NO SHOW.

May 23, 1983
5:05pm
101 lob

Public Affairs Committee

HB 435 - legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

Committee Members Present:

Senators Podles, Bartlett and Stephen

Rep. Musler - Strafford D. 3: The RSA's as they currently stand allow the selectmen when they perambulate the bounds to place stakes along that bound. This was a bound that was placed in a stretch that was over one mile from one bound to the next. The concern that we had was getting the State's blessing on this action, even though we could plunk the bound in the ground since it was along a State Highway - we wanted to have something that all parties agreed to. The bound was placed there originally because it was housing development constructed and there was a question as to who had the right to tax the houses along the line. There were not enough bounds there to make a definite decision on it.

Sen. Podles: Could you get the committee letters from the towns of Lee and Barrington telling us that this has happened.

Rep. Musler: I would be happy to.

HEARING ADJOURNED
5:07 pm

TOWN OF LEE, NEW HAMPSHIRE

RFD 1, Durham, N. H. 03824

OFFICE OF THE
SELECTMEN

May 23, 1983

Legislative Committee on Municipal & County Government
State House
Concord, New Hampshire

Members of the Legislative Committee:

A section of the boundary between Lee and Barrington was in question. The boundary was surveyed and the survey approved by the selectmen of both towns.

In order to define the boundary more clearly it was decided by both towns to set an additional boundary stone. The bill before you is to authorize the setting of this stone by the legislature as we understand is necessary.

The selectmen of Lee support this bill.

Very truly yours,

Shirley M. Clark
Shirley M. Clark

Wallace E. Dennis
Wallace E. Dennis

Joseph P. Ford
Joseph P. Ford

BOARD OF SELECTMEN
TOWN OF LEE, NEW HAMPSHIRE

Legislative Records (5)

TOWN OF BARRINGTON NEW HAMPSHIRE

incorporated in 1722

OFFICE OF THE SELECTMEN
COMMUNITY BUILDING
STAR ROUTE
BARRINGTON, NH 03825
Tel. (603) 664-1007

May 24, 1983

To Representative George Musler

H.B. 435 - Legalizing a Certain Marker Placed
Along the Boundary Between the
Towns of Lee and Barrington.

This is to advise that based on the action taken
by the 1981 Annual Town Meeting the current Barr-
ington Board of Selectmen agrees with and supports
the subject legislation.

P. R. Newhall Patricia Newhall
C. George Musler George Musler
C. F. Soule Charles Soule
Barrington Board of Selectmen

Date May 23, 1983

The Senate Committee on Public Affairs

held its hearing in Room 101 Legislative Office Building, Concord, N.H.

House Bill No. 435 Title: legalizing a certain marker placed along the boundary between
the towns of Lee and Barrington.

Members of committee present:

Senators Podles, Bartlett and Stephen

Those appearing in favor:

Name and Address

Representing

see attached

Those appearing in opposition:

Name and Address

Representing

see attached

Report of Committee:

Ought to pass	<u>XXXX (5/25)</u>	Interim Study	_____
Ought to pass w/amendment	_____	Continued Hearing	_____
Inexpedient to legislate	_____	Postponed Hearing	_____

Legislative Records (6)

DATE 5/16 TIME _____

SENATE _____ COMMITTEE _____

PUBLIC HEARING
ON

HB 435 - legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

APPEARING IN FAVOR (PLEASE PRINT)

NAME	ADDRESS	REPRESENTING
<i>Andrew Carleton</i>	<i>Box 430 Barrington, N.H.</i>	

APPEARING IN OPPOSITION: (PLEASE PRINT)

180 CHAPTER 199

198:2 Unregistered Dogs in Humane Societies. Amend RSA 466:2 (supp) as inserted by 1955, 84:1 as amended by striking out said section and inserting in place thereof the following:

466:18-a Title to Unregistered Dogs in Humane Societies. Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days an unlicensed dog whose owner is unknown full title to said unlicensed dog shall pass to said society at the end of said 7 day period, unless the owner of said dog shall, before the expiration of said period cause said dog to be licensed and shall pay said society the sum of \$5 per day for each day said dog has been kept and maintained by said society, plus any necessary veterinary fees incurred by said society for the benefit of said dog.

198:3 Effective Date. This act shall take effect 60 days after its passage [Approved June 16, 1983.] [Effective Date August 15, 1983.]

CHAPTER 199 (HB 435)

AN ACT LEGALIZING A CERTAIN MARKER PLACED ALONG THE BOUNDARY BETWEEN THE TOWNS OF LEE AND BARRINGTON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

199:1 Boundary Marker Legalized. The placement of a stone marker along the boundary line between the towns of Lee and Barrington, located at the edge of the New Hampshire route 125 right of way at coordinates north 242, 355.12, east 676, 210.82, as approved at the 1981 annual town meetings of the towns of Lee and Barrington, is hereby legalized, ratified and confirmed.

199:2 Effective Date. This act shall take effect upon its passage. [Approved June 16, 1983.] [Effective Date June 16, 1983.]

CHAPTER 200 (HB 622)

AN ACT RELATIVE TO DISORDERLY CONDUCT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

200:1 Disorderly Conduct. Amend RSA 644:2 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

644:2 Disorderly Conduct. A person is guilty of disorderly conduct if:
I. He knowingly creates a condition which is hazardous to himself or another in a public place by any action which serves no legitimate purpose; or
II. He knowingly

(a) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or

Legislative Records (7)

HB 435

RESUME

An act legalizing a certain marker placed along the Lee-Barrington Boundary

Through to the 50's, the area divided by the Lee - Barrington Town line was wooded and virtually undeveloped.

In the 60's people began to build housing close to the boundary between the towns. Little concern was raised as the exact location with respect to the town's line.

The attached diagram is provided to give committee members an idea of what we are about.

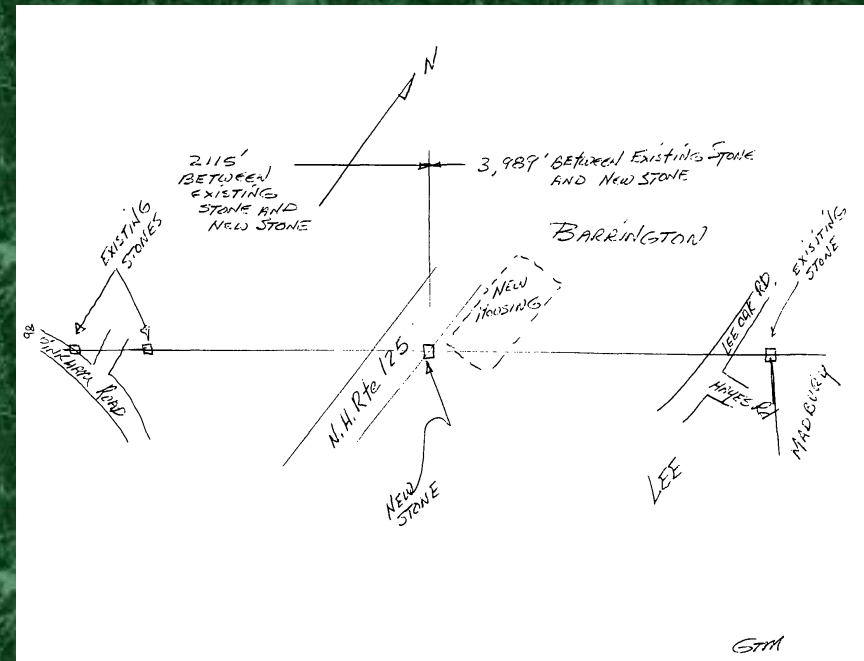
Unless civil engineers were present and at work "shooting the line" and "planting stakes" Town officials had no way of knowing the lines exact location with markers 6,000' apart.

Through the 70's legislation at the State level put emphasis on tax mapping and better identification of holdings in all of New Hampshire's cities and towns.

It was this "mapping" that resulted in three families receiving overlapping tax bills. In two cases land was the only issue. In a third situation issues of house and land and where children go to school were involved.

As a result of meetings between the two Boards of Selectmen in late 1980, it was agreed that the most sensible and economical way to settle matters was to ask each Town government to finance half the cost of having a civil engineer map the line and place a marker close to the development in question. As our diagram shows, the new stone comes close to dividing the expense between existing stones in half. Each Town government in their 1981 annual March meeting agreed with the proposed solution, allowing the necessary funds to be raised. The marker was placed and drawings completed by May 1981. We now ask the State's Legislature to give final approval to our joint action thus helping to reduce the possibility of further confusion and controversy in an area ripe for development.

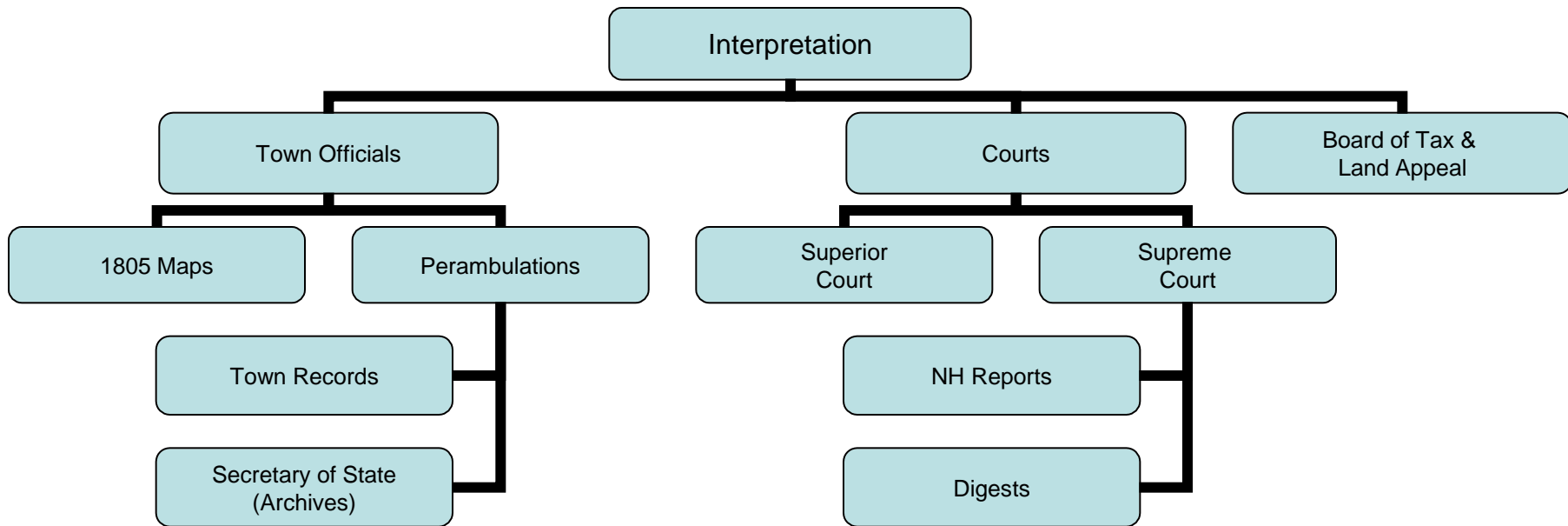
Rep. G. T. Musler
March 22, 1983



Interpreting Town Lines

- It may be valuable to know how others have interpreted where the Town Line was since the time the Legislature created it.

Who may interpret town lines and where are their records?



1805 Maps

- Act of 1803 [Chapter 53 approved December 30, 1803], requiring all towns to survey town lines and show exact limits of said towns by careful admeasurement, with a description of all public roads, rivers, falls, principal streams ponds lakes mountains at a scale of 200 rods to an inch and all disputed lines to be clearly so marked.
- Adams v. Stanyan (1852): prima facie evidence of true town lines

Field book for 1805 Map of Lee

The Stepping Stones Road B. Calcord
 & Tho Demeritt Channmen began at
 Barrington Line
 thence S 50¹/₂ E 82 Rods to Cotton Backhams N. N.
 thence S 89 E 68 R to Tho^r Langlays P. H. N.
 thence ——— 12 R to Tho^r Langlays H. S.
 80
 thence S 59 E 100 R to Oyster River
 N B Oyster River is on a straight line from the
 Stepping Stones Road to the Center of the Turnpike
 Bridge Twelve Rods above the Towle House —
 thence N 89 E 32 R to P^r Warners House N.
 thence ——— 96 R N B the East end of wheel ruts —
 — pond here South —
 thence ——— 68 R to Cross Road by wd Chesleys, &c.
 196
 N B said Cross Road is on a straight Line from
 the Turnpike & the wd Chesleys House is on
 the west of said Cross Road & is 30 Rods southerly
 of the Turnpike Road
 thence S 49 E 44 R to Anson Hansons N. N.
 19 Rods

PERAMBULATION

(not PRE' ambulation)

perambulate [pə'ræmbjʊ,leɪt]
verb

1 to walk about (a place)

2 [*transitive*] to walk round in order to inspect

[ETYMOLOGY: 16th Century: from Latin *perambulare* to traverse, from *per* through + *ambulare* to walk]

per"ambu'lation *noun*

perambulatory [pə'ræmbjʊlətəri, -tri]
adjective

Source: The Collins English Dictionary © 2000 HarperCollins Publishers:

Perambulations

- Returns are to be filed in the town books of each town party to the perambulation

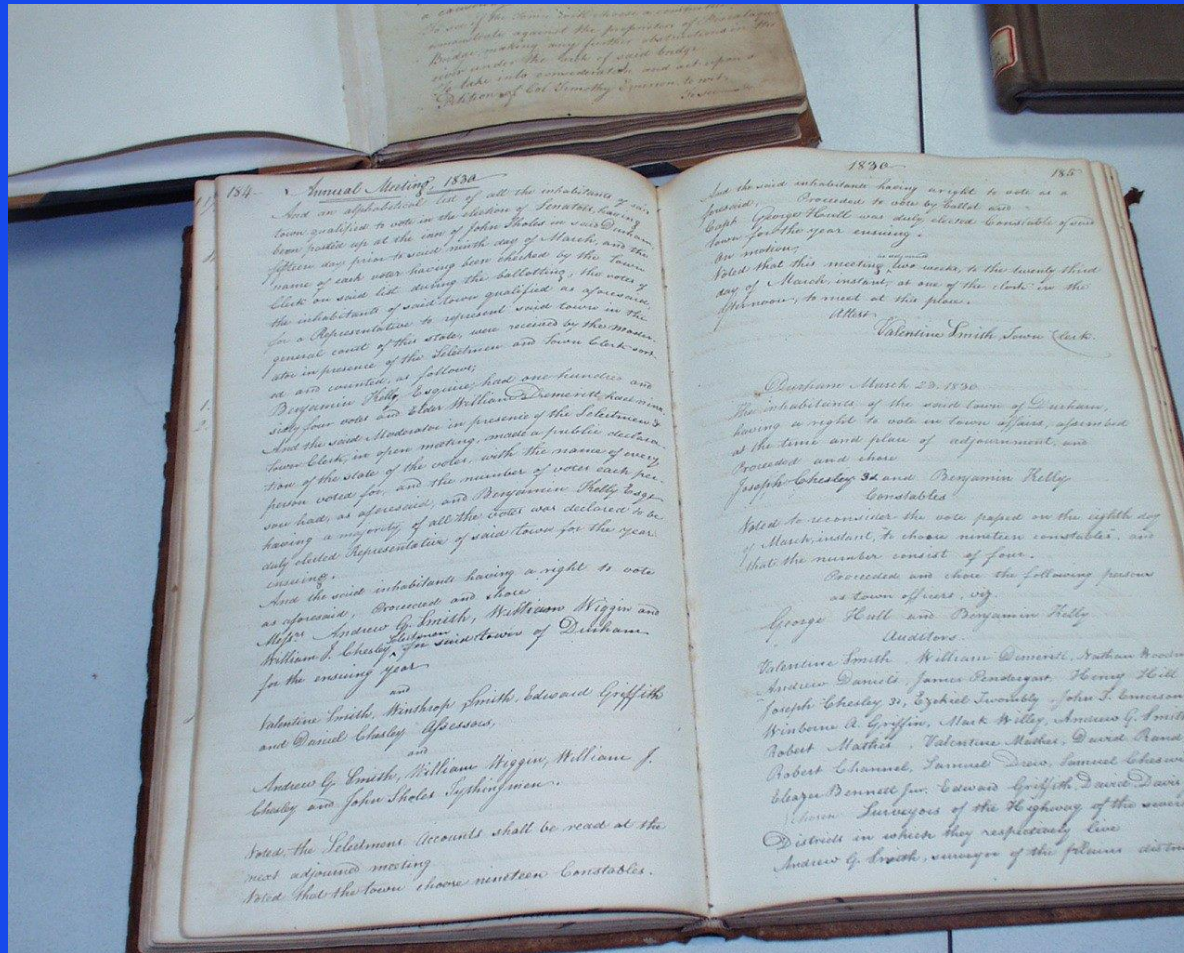
Town Records

- Town Vaults
- Town Libraries or Historical Societies
- New Hampshire State Archives
- New Hampshire State Library
 - (microfilm of town records, up to [nominally] 1825)
- Published in New Hampshire State Papers
 - (especially, volumes 11-13 and 24-29)
- Town Histories

Town Records



Town Record Books



Ancient Records of Towns

- In 1913, the Sec of State was instructed by statute to have all town records prior to 1825 transported to the State capital, copied, indexed and originals returned. The copies are known as “Ancient Records of Towns, Parishes and other Divisions of the State of New Hampshire”. Any individual having in their possession a document of historical value could also have that copied. These copies, according the 1913 statute, are considered competent evidence in NH Courts.

Ancient Records (2)

- The original Records were copied by employees of the Department of State into volumes. The pagination is often different from the originals.

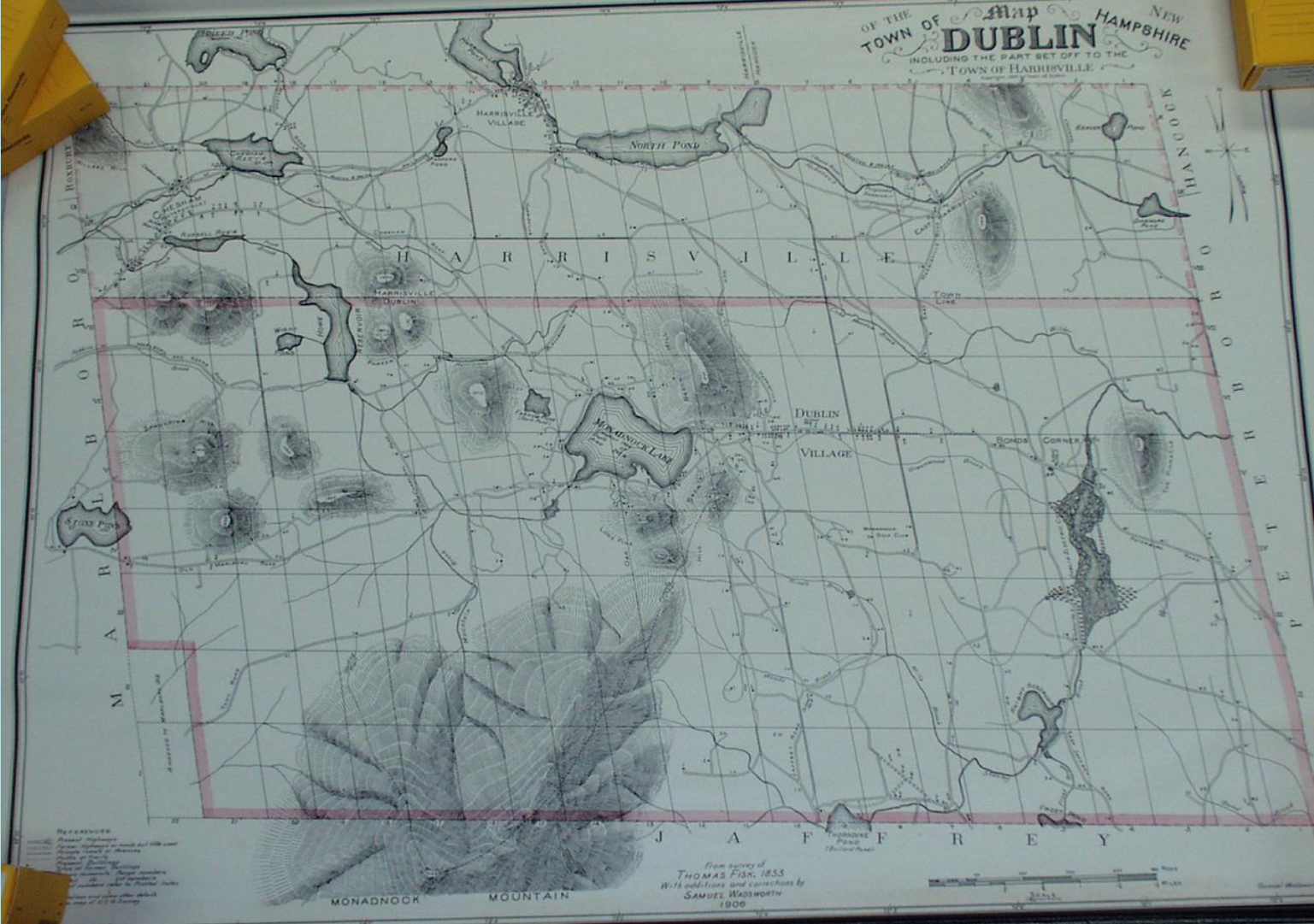
Ancient Records (3)

- The **Oscar Jewell** collection of **Road Layouts** relied very heavily on the volumes of copied records.

Ancient Records (4)

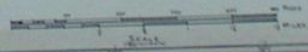
- The copied volumes were microfilmed by the Church of Latter Day Saints in the early 1950s. The microfilm and index is now found at the NH State Library (20 Park Street).

NEW HAMPSHIRE
 OF THE TOWN OF *Map* **DUBLIN**
 INCLUDING THE PART SET OFF TO THE TOWN OF HARRISVILLE



REMARKS
 Shaded heights
 The sea, heights are marked with their
 actual level of the sea
 Shaded heights
 The sea, heights are marked with their
 actual level of the sea
 Shaded heights
 The sea, heights are marked with their
 actual level of the sea
 Shaded heights
 The sea, heights are marked with their
 actual level of the sea

From survey of
 THOMAS FISK, 1853
 With additions and corrections by
 SAMUEL WADSWORTH
 1906



Secretary of State

(New Hampshire State Archives)



- perambulations have been filed with the Secretary of State since 1969

Courts

- Superior Court (trial court)
 - one in each county (occasional second court building)
- Supreme Court (appeals court)
 - one for entire state

Superior Court

- Records are all well dispersed
- Poorly indexed, generally
- No subject index
- Terms: Equity

Sessions

Civil

State

Supreme Court

- an appeals court, and not trial court, so generally, one doesn't see "the records"

SOURCES

- New Hampshire Reports
 - Digests

Digests

DIGEST OF CASES

DETERMINED IN THE

SUPREME COURT OF NEW HAMPSHIRE

FROM THE YEAR 1816 TO 1920, INCLUSIVE

AND REPORTED IN THE

NEW HAMPSHIRE REPORTS, VOLUMES I TO LXXIX INCLUSIVE
ALSO, INCLUDING SMITH'S NEW HAMPSHIRE REPORTS

BY

CRAWFORD D. HENING

CONCORD, N. H.
PUBLISHED BY THE GOVERNOR AND COUNCIL

UNDER THE ACT OF APRIL 1, 1913
1926

New Hampshire Reports

REPORTS

OF

CASES

ARGUED AND DETERMINED

IN THE

SUPERIOR COURT OF JUDICATURE

OF

NEW-HAMPSHIRE.

By WILLIAM L. POSTER.

VOLUME IV.

CONCORD:
PUBLISHED BY G. PARKER LYON.
1854.

MERRIMACK,

JULY TERM, A. D. 1852.

ADAMS v. STANVAN.

Ancient maps of the towns of this State, made by the authority of the legislature, are *prima facie* evidence of the true lines between the several towns designated on the map, and are competent to be submitted to a jury, as tending to show the lines between the lands of individuals whose lots are bounded by the town lines.

Where maps made more than forty years since, by virtue of an act of the legislature, and purporting to contain accurate surveys of the town lines, were produced in evidence, from the office of the Secretary of State, unaccompanied by the oath of the surveyor who made them—*held*, that they were competent evidence, tending to show the true lines between the towns and the lots bounded by the town lines, without the testimony of the surveyor.

Perambulations of town lines are evidence in controversies between individuals whose lots are bounded by the lines perambulated.

Under the act of February 8th, 1791, town lines could be perambulated by the selectmen of the respective towns, or by such persons or persons as they, in writing, should appoint; and where the selectmen of two adjoining towns appointed the same individuals to run the line between them, and nothing appeared to show that the proceedings of the persons so appointed were not in accordance with the statute—*held*, that their doings might be regarded as a perambulation between the towns.

The records of the proprietors of the town of B., purporting to be made in 1758, containing the proceedings of a meeting at that time, (but it did not appear that there was any notice or call for the meeting, or that it was duly held); neither did the records appear to be attested to by any clerk or recording officer, but they were produced by the town clerk of B., who testified that they were delivered to him by his predecessor in office, together with the other records of the town, are competent evidence to be submitted to a jury as to the doings of the meeting.

The declarations of deceased persons, who were so situated as to have the means

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MERRIMACK.

Adams v. Stanvan.

of knowledge, and who had no interest in misrepresentation, are competent evidence upon a question of boundary, whether the same pertain to public tracts or private rights.

TREASURERS, *quære clausum*, for cutting and carrying away from the plaintiff's land, in Pembroke, a quantity of wood and timber. *Plen.*, the general issue.

It appeared that the plaintiff owned land in the town of Pembroke, bounded by the line between Pembroke and Chichester, and adjoining land of the defendant. The defendant's land was also bounded by said line between the two towns; and the principal controversy between the parties was as to the true line between the towns.

To show this the plaintiff offered, among other evidence, a copy of a plan of Chichester, filed in the office of the Secretary of State by virtue of an act of the Legislature passed in 1803, providing for a map of the State to contain accurate descriptions. It was objected that the plan could not be used without evidence from the original surveyor, who, it appeared, was now living in Chichester. The copy was admitted, and the question saved.

The plaintiff also offered a copy of a plan of Pembroke, filed in the Secretary's office in pursuance of said act. On this copy was the following memorandum:

"This plan describes the town of Pembroke by an accurate survey and measurement, agreeable to the act of the legislature."
"Signed, Samuel Noyes, Surveyor."

This copy was specially excepted to on account of this memorandum.

The plaintiff also introduced, subject to exception, the report of a committee to whom the subject of the line between the towns had been referred, by an agreement of the selectmen of Chichester and Pembroke. This report was made in October, 1819, and on the eighth day of December following, the selectmen of the towns went on and perambulated the line, and fixed it in the same places that the committee had established. But it did not appear that the selectmen were authorized by any vote of the town to refer the matter, or that the town, after the report

Board of Tax And Land Appeals

- Bored of Tax and Land Appeals?

The screenshot shows a Microsoft Internet Explorer browser window displaying the website for the Board of Tax and Land Appeals (BTLA) in New Hampshire. The browser's address bar shows the URL <http://www.nh.gov/btla/>. The website header features a blue banner with the text "NEW HAMPSHIRE" and "Board Of Tax And Land Appeals" in green. A navigation menu on the left lists various links: [www.nh.gov](#), [BTLA Home Page](#), [Filing Deadlines](#), [How to File an Appeal](#), [Low and Moderate Appeals](#), [Forms and Applications](#), [BTLA Administrative Rules](#), [Employment Opportunities](#), [BTLA Contacts](#), and [Directions](#). The main content area is titled "Welcome" and contains the following text:

With respect to tax matters, the Board of Tax and Land Appeals has responsibility for:

- hearing appeals of individual tax assessments, exemptions or refunds, whether levied by the State or its municipalities;
- hearing petitions for reassessment and determining the adequacy of reassessments ordered by the board; and
- determining any appeals of the equalization ratios established by the Commissioner of Revenue Administration.

In eminent domain cases, the Board receives declarations of taking and deposits of just compensation. Orders of notice are issued, preliminary objections (other than objections to the taking; note, the superior court rules on that issue only) are considered and hearings are held on all other preliminary objections and on the question of just compensation. After the board holds a hearing and issues a decision, if either party disagrees with the Board's award, that party may appeal to the superior court for a trial de novo.

The Board's goals are to provide an alternative forum to the superior court in tax cases that is timely, fair, inexpensive, and accessible to the taxpayers and property owners. The Board has responsibility, parallel to the superior court to hear appeals of all local and state taxes.

Send all comments and suggestions about this site to: btla@btl.state.nh.us, Web Site Administrator.

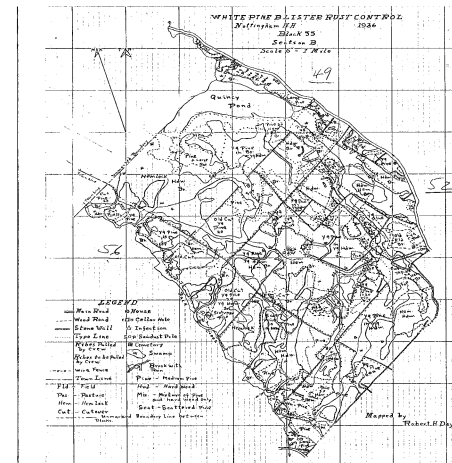
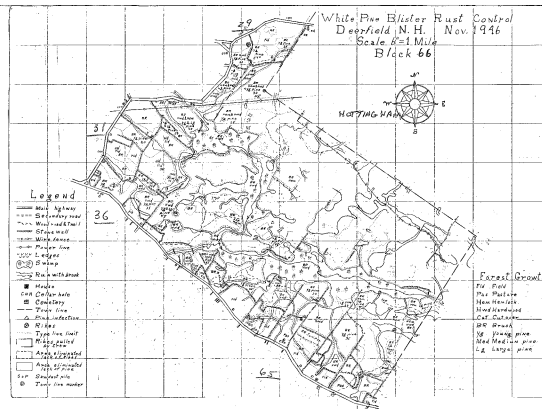
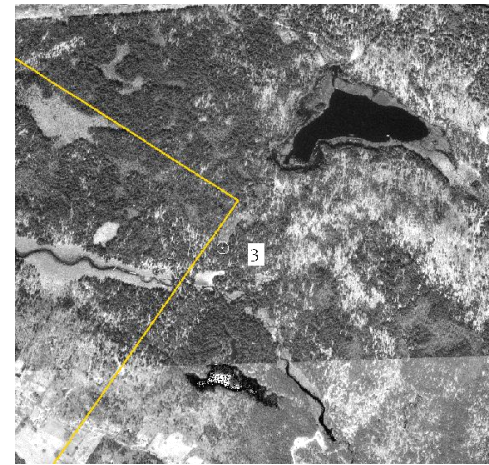
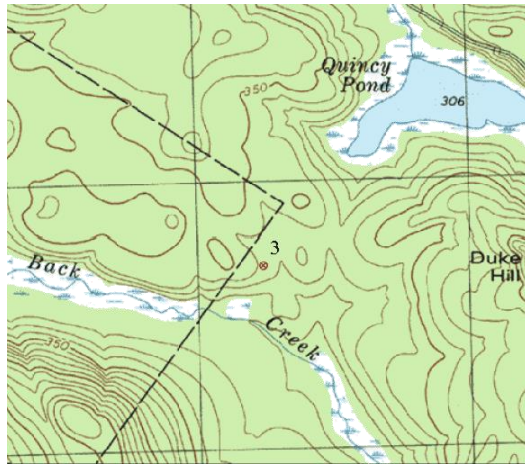
At the bottom of the page, there are links for [Privacy Policy](#), [Accessibility Policy](#), [Site Map](#), and [Contact Us](#). The Windows taskbar at the bottom shows the Start button, several open applications including "Town Line Com...", "Microsoft Powe...", "Board Of Tax A...", and "untitled - Paint", and the system tray with the time 12:56 PM.

Positional Data

- General Maps
 - USGS Quadrangles
- Aerial Photos
- Blister Rust Maps
- GIS/GPS
 - NGS
 - GRANIT

Getting a Sense of where the bound will be found

DEERFIELD – NOTTINGHAM



GRANIT

GRANIT - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Mail Print Word Pad

Address http://www.granit.sr.unh.edu/cgi-bin/load_file?PATH=/data Go Links >>

Google ndaries new hampshire gis Search Web PageRank 0 blocked AutoFill Options town line boundaries new hampshi >>

GRANIT

About GRANIT GRANIT Data Create A Map Projects Related Resources

GRANIT Data

The GRANIT data distribution policy is to provide access to all data for the cost of reproduction. Data is made available through a number of mechanisms, including:

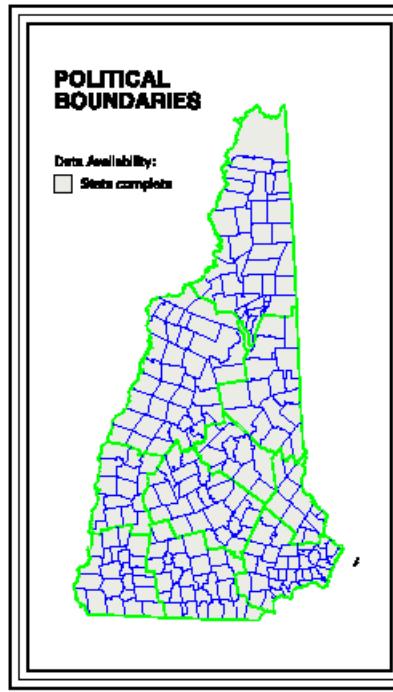
1. **Search** the online data archive through the [metadata search](#) tool. Once a data set(s) is located, it may be downloaded or ordered on CD/ROM through this page. GRANIT staff is presently documenting and archiving all data sets within the database. The following layers are currently accessible through the Search tool:

NEW - New Hampshire Hydrography Dataset

- Town boundaries
- Hydrography
- Roads and trails
- Railroads
- Pipelines
- Digital raster graphics (DRGs)
- Digital elevation models (DEMs)
- Digital orthophoto quads (DOQs)
- Land cover assessment 2001
- 7.5-minute USGS quadrangle boundaries
- Conservation lands
- Impervious surfaces in coastal NH 2000
- Impervious surfaces in coastal NH 1990
- Watershed (Level 6 HUC) boundaries

Access the Database
Data Catalog
Photo/Image Index
Tile Index Maps
Data Users Guide
FAQs

start | GRANIT - Microsoft I... | Apps >> | hampshire gis | 4:35 PM



Data Layer: POLITICAL BOUNDARIES
 Primary Layer Name: PB
 Layer Category: TOWN BOUNDARIES
 Data Source: VECTOR
 Layer Type: POLY, LINE
 Source: DIGITAL LINE GRAPH, USGS
 Source Date: 1984, 2002/06/06
 Source Media: DIGITAL
 Acquired By: LIS REGIONAL SURVEY
 Coordinate Reference: NAD 83 State Plane New
 Horizontal Datum: NAD 83
 Title: STATE
 Status: COMPLETE
 Last Revised: June 20, 2006
 Available From: Computer Systems Research Center,
 UNH
 Associated Document: FIDELIANO (statewide availability)



GENERAL DESCRIPTION
 The PB coverage provides a digital representation of the town boundaries mapped on standard 7.5-minute USGS quadrangles. The data was digitized by the LIS in a Digital Line Graph (DLG) format. It was then processed in ARC/INFO to generate the ORANT data layer. The processing involved a series of steps, including assigning a ORANT ID to each feature, reflowing internal ring attributes, and merging features. The final boundaries were made in accordance with standards adopted by the NH GIS Advisory Committee.
 The areal extent polygon boundaries identify towns with both the FIPS (Federal Information Processing Standard) Code and the town name. The format of the names FIPS code allows users to digitally derive county boundaries from the PB coverage. The line coverage are coded to allow hierarchical boundaries (e.g., town, county) used in its representation with different symbology. In both cases, the availability of the ORANT ID allows users to link back to the original full attribute list, if desired.
 As indicated on the status map, full coverage of the state is now available through the ORANT database. Modifications, updates, and enhancements to the spatial and attribute data will continue to be made. For example, there are known discrepancies in the alignment of town boundaries.

March, 2002

OTHER, Et Cetera, Miscellaneous ...

- Secretary of State
- Archives Miscellaneous
 - Weare Town Boundaries, 1934
 - New Hampshire-Maine Perambulation, 1962
 - Dover Town Lines (1962)
 - Gilmanton-Northfield Town Line (1822)

OTHER, Et Cetera, Miscellaneous ... (2)

- Town of Merrimack recorded two survey plans of their boundaries in the Hillsborough County Registry of Deeds in the 1980's.

Review

- **Town Lines are created by Legislature**
 - usually follow existing property lines
 - Township grants, Masonic plans, Lotting Plans may help define the existing boundaries
 - Read the statutes that creates and amended the boundary
- **Town Lines are interpreted by Selectmen, Courts, and BTLA**
 - 1805 Maps, Perambulation Returns, Court Decisions
- **Use your mind to think what records might be where, and follow them**