

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)

RESOLVES

OF THE

EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE SECOND DAY OF JANUARY, AND ENDED
ON THE TWENTY-SIXTH DAY OF FEBRUARY, ONE THOUSAND
EIGHT HUNDRED AND TWENTY-EIGHT.

Published agreeably to the Resolve of the 20th June, 1820.

PORTLAND.

PRINTED BY THOMAS TODD.....PRINTER TO THE STATE.

1828.

MESSAGE OF THE GOVERNOR.

To the Senate and House of Representatives :

Having received the Report of the Commissioners, on the part of this State, appointed under the Resolve of the twentieth of January, one thousand eight hundred and twenty seven, providing for the survey and establishment of the line between Maine and New Hampshire, the same is transmitted for the consideration of the Legislature.

ENOCH LINCOLN.

COUNCIL CHAMBER, }
January 28, 1828. }

STATE OF MAINE.

IN SENATE, February 22, 1828.

The Joint Select Committee to whom was referred a communication from the Governor of the 28th ult. accompanied with the Report of the Commissioners under the Resolve of January 20th, 1827, providing for the survey and establishment of the line between Maine and New Hampshire, together with sundry other documents relating to that subject, having carefully considered the same, and attended to the evidence before them, ask leave to state for the information of the Legislature, the following facts :—That on the first meeting of the Commissioners of the two States, it appears they could not agree upon the principles to be pursued in effecting an establishment of said line, as the Commissioners on the part of New Hampshire did not consider themselves “ authorized under their Resolve and instructions to do any thing more than to ascertain where the line was originally run, and to establish that.” Our Commissioners, at that time, did not know but that the *old line* might be found correct, or nearly so, and considering it an object of importance to ascertain that fact, they agreed with the New Hampshire Commissioners to trace the original boundary for the express purpose of ascertaining facts in relation thereto. It appears that at the time of this meeting, they had not examined the original documents relating to said line. That at the time agreed upon, the Commissioners of both States met on the Salmon Falls River, in the town of Shapleigh, and proceeded to examine the principal branches thereof, having found by examining the ancient papers and plans in their possession, that by the original charter, the course of said line was to pass up through the river “ Newichawonick,” (now Salmon Falls) “ to the furthest head thereof, thence north westwardly,” &c. They

found the *westerly* branch much the largest, and consequently, that Walter Bryant, the original surveyor, who run the line in 1741, had committed an *error*, by following the *easterly* branch, which carried the line more than three miles further east than it should have been according to the words of the charter. This error was made, as Bryant testified in his affidavit afterward, by running when the streams were covered with snow and ice, so that the size of the branches could not be easily ascertained. They then followed up the said easterly branch to its source, the *East Pond*,—found the place from which Bryant took his departure, and also found that the course he ran was north 8 degrees east, instead of north 2 degrees west, as it should have been according to the course agreed upon by the English Commissioners, who were appointed in 1737 to settle several questions which had arisen in the colonies, among which was the subject of this boundary. In their Report, it appears they agreed, that to satisfy the term northwestwardly, the line should be run *North 2 deg. West*. This error was committed by allowing 10 degrees for the variation of the compass, by the direction of Governor Belcher, which it seems ought not to have been allowed. They continued the survey to and across the Androscoggin River, where, having ascertained all the facts in relation to the *course*, our Commissioners declined proceeding any further, till some satisfactory principles could be agreed upon to establish a line, which should be considered the true boundary between the two States.

That it appears by their Report, and a plan of their survey *presented and demonstrated* by Mr. McMillan, the principal surveyor, that the *Bryant line* is pretty uniform in its general course, but that there are some crooks and offsets, which it appears probable, were made by surveyors since that time in locating grants and townships on the line.

Although your Committee are unanimously of opinion, from all the evidence before them, that two errors were made in the original survey by the said Bryant, and that there is now included within the limits to which New Hampshire claims about fourteen hundred square miles of territory, which, if the line had been run according to the original charter, would have belonged to what is now Maine; yet as New Hampshire has had it in possession for the long term of eighty seven years, and as Maine must necessarily be to great expense in obtaining it, should it be attempted; and as the jurisdiction of it would be of but little consequence to Maine, and the loss of it a serious injury to New Hampshire, whose territory is now *small*, they respectfully recommend that some measures be

taken to effect an adjustment and establishment of said line by compromise, rather than to demand *all of the territory* which they have good reason to believe, ought of right to belong to Maine. Wherefore they ask leave to report a Resolve which is herewith respectfully submitted.

M. SWEAT, *Chairman.*

CHAPTER LVI.

Resolve relating to the Boundary Line between Maine and New Hampshire.

Resolved, That the Governor of this State be requested to communicate to the Governor of New Hampshire, the desire of this Legislature to effect an amicable adjustment of the dividing line between the two States; and that he be authorized, with advice of Council, to take such further measures to establish and designate said line, as he may think expedient.

[*Approved by the Governor, February 25, 1828.*]

CHAPTER LVII.

Resolve in addition to a Resolve, passed at the present session, imposing a tax on the several Counties within this State,

Resolved, That the sum of two thousand dollars, in addition to the sum granted by the Resolve to which this is in addition, be, and hereby is granted, as a tax upon the County of Cumberland, to be apportioned, assessed, collected and applied for the purpose of paying the debts and necessary expenses of the same, and for other purposes, ordered by law.

[*Approved by the Governor, February 25, 1828.*]

CHAPTER LVIII.

Resolve providing for repairs of the Senate Chamber.

Resolved, That the Secretary of State be authorized to cause the room occupied by the Senate, to be repaired as he may think proper, and to procure a new carpet, of American manufacture, for the same, prior to the session of the next Legislature, and a sum, not exceeding two hundred dollars, is appropriated for that purpose.

[*Approved by the Governor, February 25, 1828.*]