

No. 130, Original

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IN THE

**Supreme Court of the United States**

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STATE OF NEW HAMPSHIRE,

*Plaintiff,*

v.

STATE OF MAINE,

*Defendant.*

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**LODGING IN SUPPORT OF BRIEF IN OPPOSITION TO  
MOTION FOR LEAVE TO FILE COMPLAINT**

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STATE OF MAINE

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YORK REGISTRY OF DEEDS  
BOOK 65, PAGE 87

FROM WILLIAM DENNET TO THE UNITED STATES  
JUNE 12, 1800  
DENNETT'S ISLAND

Know all men by these Presents that William Dennet, Jr. of Kittery in the County of York & Commonwealth of Massachusetts [illegible] for and in consideration of the sum of five thousand five hundred dollars to me in hand before the delivery hereof well and truly paid by the United States of America the receipt whereof I do hereby acknowledge have given granted bargained sold and by these presents do give grant bargain sell alien [illegible] convey and confirm unto the said United States of America the whole of a certain island lying in Piscataqua River in Kittery aforesaid opposite the town of Portsmouth & at the distance of about three quarters of a mile from said Portsmouth which Island now formerly called Layclaim Island afterwards Fernalds Island & now called Dennets Island and contains fifty acres be the same more or less & is the same I purchased of James Sheafe as by his deed dated 29 Sept<sup>r</sup> 1794 & recorded more fully appears. To Have and to Hold the said granted premises with all the privileges and appurtenances to the same belonging to the said United States of America to their only proper use and benefit forever and I the said William Dennet Jr. my heirs executors and administrators do hereby covenant grant and agree to and with the said United States that until the delivery hereof I am the lawful owner of the said premises am seized and professed thereof in my own right in fee simple and have full power and lawful authority to grant and convey the same in manner aforesaid that the said premises are free and clear of all and every incumbrance whatsoever and that my heirs executors and administrators shall and will warrant the same to the said United States of America against the lawful claims and demands of any person or persons whomever. And I & Sarah wife of the said William in consideration of six dollars paid me & in token of my consent hereto & release of dower in & to the premises above mentioned have with the said William hereunto set our hands and seals the twelfth day of June in the year of our Lord one thousand eight hundred.

Signed Sealed & delivered  
in presence of us

Wm Dennet Jr.  
Sarah Dennet

Dan S. Waldron  
Nath. J. Sheafe  
Jeremiah Smith

State of New Hampshire  
Rockingham ss 12 June 1800  
William Dennet Jr. & Sarah Dennet

Acknowledged the within instrument to be their free act & deed. Before Jeremiah Smith, Justice Peace







2



Navy Department

May 7<sup>th</sup>, 1821

Sir,

The United States Navy Yard, situated upon Dennet's Island, on the east side of the Piscataqua River, and now within the limits of the State of Maine, being the property of the United States by purchase, still remains subject to the jurisdiction of the State, and the whole Island being included in the Deed of Sale, it is desirable that the jurisdiction, thereof, should be ceded to the United States. Should you consider this opinion consistent with the interests of Maine, and not objectionable in any other point of view, I have the honour to request, that you will submit the subject to the consideration of the Legislature of the State over which you preside, with such a recommendation as shall, in your judgment, appear to be right and proper.

I have the honour to be,  
With the highest respect,  
Sir, your most Ob. Servant,

Smith Thompson







## EXCERPT FROM OFFICIAL RECORDS OF TOWN OF KITTERY

Pursuant to the provisions of the law approved March 5, 1836 entitled "an Act, Additional to an Act to organize govern and discipline the Militia of this State" The Subscribers Selectmen of the town of Kittery have ascertained and do hereby define the limits of every Company of Infantry in said Town as follows viz 1<sup>st</sup> The Company commanded by Capt. Charles G. Bellamy is limited by a line commencing at York town line at Brave Boat Harbour and running out said Harbour to the sea around Cutts Island and Gerrish's Island to Piscataqua river thence up the Piscataqua River around and including Trefethens Island and thence easterly between Trefethens Island and the Navy yard down the gut so called and down crooked lane to the mouth of Spruce creek thence up spruce creek to Nortons Creek thence up Nortons creek to the old mill dam thence up the old mill lane to the road leading to and from Kittery Point thence northeasterly crossing said old road and on the centre of the new road usually called Bartletts Road to the York town line thence southerly on said town line to the place began at . . . . .

2<sup>nd</sup> The Company commanded by Capt. Daniel Jones by a line commencing at the northeast corner of said town by the towns of Eliot and York and running southerly by said York line to Bartletts road aforesaid thence southerly on the centre of said road to the old road leading to Kittery point thence crossing said old road down Nortons lane to Nortons Creek so called thence down Nortons creek to Spruce creek thence up spruce creek to the westerly corner of Davises Mills thence on the centre of the Post road southwesterly sixteen rods to the western end of David Bridge so called thence on a line running north 57 degrees west to the line of the town of Eliot thence northeasterly on said town line to the place began at . . . . .

3<sup>rd</sup> the company commanded by Capt. Richard Rogers Jr by a line commencing at the northeast corner of said town by the line of the town of Eliot and spinneys creek so called and running down said creek to the Piscataqua river and down said river around and including Cushings Island and the Navy Yard and easterly down through the gut and crooked lane (so called) to the mouth of spruce creek thence up spruce creek to the western corner of Davises Mills thence on the center of the Post road southeasterly sixteen rods to the western end of Davis Bridge (so called) thence on a line running north 57 degrees west to the line of the town of Eliot thence southwesterly on said town line as said line runs to the place began at . . . . . Given under our hands at Kittery the thirteenth day of June in the year of our Lord one thousand eight hundred and thirty six.

Mark Dennett  
Daniel Frisbee  
Roger Dearing

A true copy of the original

Attest Joseph Dance

Town Clerk







YORK REGISTRY OF DEEDS  
BOOK 1985, PAGE 201

FROM UNITED STATES TO TOWN OF KITTERY  
FEBRUARY 27, 1973  
WOOD ISLAND

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting by and through the Regional Director, Northeast Region, Bureau of Outdoor Recreation, with offices at 1421 Cherry Street, Philadelphia, Pennsylvania, pursuant to authority delegated by the Secretary of the Interior, and as authorized by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and particularly as amended by Public Law 91-485 (84 Stat. 1084), and regulations and orders promulgated thereunder (hereinafter referred to as Grantor), for and in consideration of the use and maintenance of the property herein conveyed for public park and public recreation purposes in perpetuity by the Town of Kittery, Maine (hereinafter referred to as Grantee), does hereby remise, release, and quitclaim to Grantee, its successors and assigns, subject to the reservations, exceptions, restrictions, conditions and covenants hereinafter set forth, all right, title and interest of the Grantor in and to all that tract or parcel of land known as Wood Island, situated near the mouth of the Piscataqua River, County of York, State of Maine.

The property herein conveyed contains 1.25 acres, more or less, and was formerly known as the Old Portsmouth Harbor Lifeboat Station, U-Me-449A, under the administrative jurisdiction of the Department of Transportation, an agency of the United States Government.

TOGETHER WITH the appurtenances, the buildings and improvements thereon, and all the estate and rights of the Grantor in and to said premises.

SUBJECT TO any and all outstanding reservations, easements and rights-of-way, recorded and unrecorded, for public roads, railroads, pipelines, drainage ditches, sewer mains and lines, and public utilities affecting the property herein conveyed.

TO HAVE AND TO HOLD the above premises, subject to the easements, reservations, exceptions, restrictions, conditions, and covenants herein enumerated and set forth, unto the Grantee, its successors and assigns, forever.



There are excepted from this conveyance and reserved to the Grantor, all oil, gas, and other minerals in, under, and upon the lands herein conveyed, together with the right to enter upon the land for the purpose of mining and removing the same.

Pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended, and applicable rules, regulations and orders promulgated thereunder, the General Services Administration determined the property to be surplus to the needs of the United States of America and assigned the property to the Department of the Interior for conveyance to the Town of Kittery, Maine.

It is understood and agreed by and between the Grantor and Grantee, and Grantee, by acceptance of this deed does acknowledge that it fully understands the terms and conditions set forth herein and does further covenant and agree for itself, and its successors and assigns, forever, as follows:

1. The property shall be used and maintained for the public purposes for which it was conveyed in perpetuity as set forth in the program of utilization and plan contained in the application submitted by Grantee on the 25<sup>th</sup> day of October, 1972, as amended the 27<sup>th</sup> day of November, 1972, which program and plan may be further amended from time to time at the request of either the Grantor or Grantee, with the written concurrence of the other party, and such amendments shall be added to and become a part of the original application.

2. The Grantee shall within 6 months of the date of this deed erect and maintain a permanent sign or marker near the point of principal access to the conveyed area indicating that the property is a park or recreational area and has been acquired from the Federal Government for use by the general public.

3. The property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance. However, nothing in this provision shall preclude the Grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

4. From the date of this conveyance, the Grantee, its successors and assigns, shall submit biennial reports to the Secretary of the Interior, setting forth the use made of the property during the preceding two-year period, and other pertinent data establishing its continuous use for the purposes set forth above, for ten consecutive reports and as further determined by the Secretary of the Interior.



5. If at any time the United States of America shall determine that the premises herein conveyed, or any part thereof, are needed for the national defense, all right, title and interest in and to said premises, or part thereof determined to be necessary to such national defense, shall revert to and become the property of the United States of America.

6. As part of the consideration for this deed, the Grantee covenants and agrees for itself, its successors and assigns, that (1) the program for or in connection with which this deed is made will be conducted in compliance with, and the Grantee, its successors and assigns, will comply with all requirements imposed by or pursuant to the regulations of the Department of the Interior as in effect on the date of this deed (43 C.F.R. Part 17) issued under the provisions of Title VI of the Civil Rights Act of 1964; (2) this covenant shall be subject in all respects to the provisions of said regulations; (3) the Grantee, its successors and assigns, will promptly take and continue to take such action as may be necessary to effectuate this covenant; (4) the United States shall have the right to seek judicial enforcement of this covenant; (5) the Grantee, its successors and assigns, will (a) obtain from each other person (any legal entity) who through contractual or other arrangements with the Grantee, its successors or assigns, is authorized to provide services or benefits under said program, a written agreement pursuant to which such other persons shall, with respect to the services or benefits which he is authorized to provide, undertake for himself, the same obligations as those imposed upon the Grantee, its successors and assigns, by this covenant, and (b) furnish a copy of such agreement to the Secretary of the Interior, or his successor; and that this covenant shall run with the land hereby conveyed, and shall in any event, without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity for the benefit of, and in favor of the Grantor and enforceable by the Grantor against the Grantee, its successors and assigns.

7. In the event there is a breach of any of the conditions and covenants herein contained by the Grantee, its successors and assigns, whether caused by the legal or other inability of the Grantee, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title, and interest in and to the said premises shall revert to and become the property of the Grantor at its option, which in addition to all other remedies for such breach shall have the right of entry upon said premises, and the Grantee, its successors and assigns, shall forfeit all right, title and interest in said premises and in any and all of the tenements, hereditaments and appurtenances thereunto belonging; provided, however, that the failure of the Secretary of the Interior to require in any one or more instances complete performance of any of the conditions or covenants shall not be construed as a waiver or relinquishment of such future performance, but the obligation of the Grantee, its successors and assigns, with respect to such future performance shall continue in full force and effect:



IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and on its behalf this the 27<sup>th</sup> day of February, 1973.

UNITED STATES OF AMERICA

By Maurice D. Arnold  
Regional Director  
Northeast Region  
1421 Cherry Street  
Philadelphia, Pennsylvania

STATE OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA, ss.

On this 27<sup>th</sup> day of February, 1973, before me, the subscriber, personally appeared Maurice D. Arnold, to me known and known to me to be the Regional Director, Northeast Region, Bureau of Outdoor Recreation, of the United States Department of the Interior, a governmental agency of the United States of America, with offices at 1421 Cherry Street, Philadelphia, Pennsylvania, and known to me to be the same person described in and who executed the foregoing instrument as such Regional Director aforesaid, as the act and deed of the United States of America, for and on behalf of the Secretary of the Interior, duly designated, empowered and authorized so to do by said Secretary, and he acknowledged that he executed the foregoing instrument for and on behalf of the United States of America, for the purposes and uses therein described.

Carol A. Beecher  
NOTARY PUBLIC

The foregoing conveyance is hereby accepted and the undersigned agrees, by this acceptance, to assume and be bound by all the obligations, conditions, covenants and agreements herein contained.

TOWN OF KITTERY, MAINE

By John R. Kennedy  
Town Manager



STATE OF MAINE  
COUNTY OF YORK, ss.

Then personally appeared the above named John R. Kennedy, Town Manager, of the Town of Kittery, Maine, and acknowledged that he executed the foregoing instrument as his free act and deed in his said capacity for the purposes therein contained.

Before me,

Dorothy Kraft,  
NOTARY PUBLIC







MAINE STATE LIBRARY  
AUGUSTA, MAINE

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REPORT  
OF  
COMMISSIONERS

APPOINTED TO SETTLE THE LINE

BETWEEN

NEW-HAMPSHIRE AND MAINE.

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*In Senate, Dec. 9, 1828.*

On motion of Mr. Plumer,

Ordered, That the Clerk procure three hundred copies of the Report of the Commissioners on the line between Maine and New-Hampshire, and of the agreement between the Commissioners of said States relating to the line, to be printed for the use of the Senate.

W. H. Y. HACKETT, Clerk.

Copy Attest—

B. B. FRENCH, Assist. Clerk.



19531

## REPORT.

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*To His Excellency the Governor of the State of New-Hampshire.*

The undersigned, Commissioners appointed on the part of the State of New-Hampshire, pursuant to a Resolve of the Legislature, passed June 30, 1827, "in conjunction with commissioners to be appointed on the part of the State of Maine, to ascertain, survey, mark and renew the dividing line between this State and the State of Maine, in its whole extent, and to erect thereon suitable monuments to designate it as the boundary line of said States ;"

### REPORT--

the  
aw-  
aid

That in conjunction with the Hon. William King and the Hon. Rufus M'Intire, commissioners appointed on the part of the State of Maine, we have ascertained, surveyed, marked and renewed the dividing line between this State and Maine, and erected monuments thereon to designate it as the boundary line of said States ; and have executed an agreement, signed by the commissioners of both States, describing the courses, distances and monuments of the same ; which agreement engrossed upon parchment is herewith submitted, together with a plan fully delineating the same. As the same agreement contains a provision, that the line therein described shall hereafter be the boundary line between said States, unless the Legislature of either State, shall, by Resolve, disapprove of the same, at the first session after the date of its execution, we respectfully ask leave to present, as concisely as in our power, a statement of the questions which were involved in our inquiry, and the facts connected with them, that the Legislature may be informed of the reasons which guided us in the result of our labors.



The indefinite character of the grants to Mason and to Gorges, produced, at an early period of their titles, collisions in relation to their respective limits. The grant to Sir Ferdinando Gorges, of April 3d, 1639, contains a description in relation to this line of "all that parte, purparte and portion of the main land of New-England aforesaid, beginning at the entrance of Pascataway Harbour and soe to passe up the same into the river Newichawoke and through the same into the farthest head thereof, and from thence Northwestward till one hundred and twenty miles be finished." The right of Gorges was purchased from his heirs, by Massachusetts, in 1677, and the controversy for the settlement of this line was afterwards connected with that between the two Provinces on the south. A long and severely contested dispute assumed the form of a legal decision in the report of the Commissioners appointed by the King to settle the controversy between the Provinces of New-Hampshire and Massachusetts, which report, made in 1737, determined respecting this line as follows—

"And as to the northern boundaries between said Provinces, the court resolve and determine, that the dividing line shall pass up through the mouth of Piscataqua Harbour, and up the middle of the river into the river Newichawannock, part of which is now called Salmonfalls, and through the middle of the same to the furthest head thereof, and from thence north two degrees westerly, until one hundred and twenty miles be finished from the mouth of Piscataqua Harbour aforesaid, or until it meets His Majesty's other Governments, and that the dividing line shall part the Isles of Scholes, and run through the middle of the Harbour between the islands to the sea, on the southerly side, and that the southwesterly part of the said Islands shall lye in and be accounted part of the Province of New-Hampshire, and that the northeasterly part thereof shall lye in and be accounted part of the Province of the Massachusetts Bay, and be held and enjoyed by the said Provinces respectively, in the same manner as they now do and have heretofore held and enjoyed the same." This part of the decree of



the Commissioners, as well as the part relating to the southerly line of this Province was highly dissatisfactory to Massachusetts, and an appeal was claimed to the King in council. The decision of the commissioners, after a hearing by the agents of the Provinces before a committee of the council for hearing appeals from the plantations, was affirmed, and their report approved by his Majesty with the advice of his privy council, and an Instruction issued on the fifth of August, 1740, 'to the Governor or commander in chief of his Majesty's said Provinces for the time being, as also his Majesty's respective councils and assemblys thereof'—to cause the same to be 'executed in the most effectual and expeditious manner.' The Province of the Massachusetts Bay was dissatisfied with the decision, which established our southerly line 'due west' from a point marked on the Commissioner's plan north of Patucket falls, instead of the point where 'the Pemigewasset and Winnepiscke meet,' as then contended for; as well as with the establishment of the line in question 'north two degrees westerly,' instead of due 'northwest,' as was claimed by that Province. The assembly therefore neglected to take any measures for executing the order of the King in relation to the survey and establishment of the lines. The Assembly of New-Hampshire made provision, and Governor Belcher, who was at that time Commander in Chief over both Provinces, being 'required and enjoined under pain of His Majesty's highest displeasure, and of being removed from his Government,' to take especial care, that His Majesty's commands be executed, appointed Walter Bryant to survey the line in question, and gave him the following order and instruction.

*'By Jonathan Belcher, Esquire, Captain General and Governor in and over His Majesty's Province of the Massachusetts Bay in New-England.*

'Having lately rec'd His Majesty's Royal instruction requiring me to take especial care, that His Majesty's judgment in council relating to the boundary lines between the Province of the Massachusetts Bay and this Province be executed in the most effectual man-



'ner, and in order to the accomplishing the end in the  
 'said instruction proposed, you being well knowing in  
 'the art of surveying, and now under oath duly and  
 'faithfully, and according to the best of your skill and  
 'judgment, to run and mark out such part of the said lines  
 'as shall be assigned you—I do hereby authorize and ap-  
 'point you as a surveyor to proceed immediately and pass  
 'up through the mouth of the Piscataqua Harbour, and up  
 'the middle of the river into the river of Newichwanuck  
 '(parte of which is now called Salmonfalls) and through  
 'the middle of the same to the furthest head thereof,  
 'and from thence north two degrees westerly, until  
 'one hundred and twenty miles be finished from the  
 'mouth of Piscataqua Harbour aforesaid, or until it  
 'meets with His Majesty's other Governments—and to  
 'take especial care in this your survey, that you well and  
 'fully spot the trees standing in the said line, and take par-  
 'ticular notice of all hills, mountains, rivers, ponds, lakes,  
 'and what else may be remarkable, that shall lye in or  
 'near your way, remark the same in the plan of your  
 'survey, which you are to make return of upon oath—  
 'all which you are to do with all possible prudent des-  
 'patch, for which this shall be your warrant.

' Given under my hand and seal, at arms at Ports-  
 'mouth, March 12, 1740—1. J. B.

"To MR WALTER BRYENT—

"Memorandum—The true North two degrees West  
 "is by the needle North Eight degrees East, which is  
 "your course."

By the journal of Walter Bryent it appears, that he  
 commenced his survey at the outlet of East pond on the  
 19th of the same March, and proceeded as directed to  
 survey and mark the line to near the Saco river, a  
 distance of about twenty-seven miles, from which point,  
 owing to the badness of the travelling and other ob-  
 stacles, he returned. The line was afterwards in 1768  
 extended, as is said, to the North East corner of Shel-  
 burne under the direction of Isaac Rindge. Of this,  
 however, we do not find any return. Afterwards in  
 1789 Joseph Cram and Jeremiah Eames, under the di-



fection of a committee of the Legislature, continued the survey from the North East corner of Shelburne to the birch tree at the northern extremity. The Assembly of the Province of the Massachusetts Bay did not unite in the survey first made, nor hath that, or the Legislature of the State, at any time assented to the same as the true boundary line.—On the contrary the same was complained of as an *ex parte* survey, and that it ought not to debar Massachusetts from asserting her rights. It was alledged to be incorrect, both in the *point* of departure and in the *course* pursued. Grants were made, from time to time, by that Province, of lands west of the line, as run by Bryant, and long and severely litigated controversies were the consequence of the conflicting claims. It was contended that Bryant had mistaken the stream which he pursued for the head waters of Salmon Falls river, and that the true Salmon Falls was a stream more westerly, and its head waters a pond in the present town of Brookfield, near seven miles further upon New-Hampshire, and that a line should thence be run without regard to the variation of the needle, which would cross the State from the pretended head waters of Salmon Falls in the direction of Ossipee pond; or that if any variation was allowed it should be but seven and a half degrees instead of ten, as directed by Gov. Belcher. It was contended on the part of Massachusetts, that what they term the middle or main branch should have been taken by Bryant instead of the eastern branch, upon the allegation, that it was a larger stream, and the testimony of Captains Gowing and Warren was taken to support the allegation. They testified that such was the fact, and that Bryant himself had admitted the same. Against the allowance of the variation of the needle it was contended, that it was no part of the judgment of the King, but was an arbitrary order of Gov. Belcher. The nature and extent of these claims of Massachusetts are exhibited in the plan herewith submitted, marked B, which was made by order of His Majesty's Superior Court of Judicature for the Province of New-Hampshire in September, 1768. By a report of a Committee of both Houses of the Massachusetts Assembly, in Decem-



ber, 1766, (3d Belk. Hist. N. H. 390) complaints are made of the mistakes, and it is stated that in attempts to correct the same, "committees have once and again 'been appointed by this Court to join New-Hampshire thereto, but without success.'"

From the view which we take of the facts in this case, we have not deemed it important to inquire whether Bryant's survey was, or was not *ex parte*. If the point were material, from the fact, that Governor Belcher, at that time, acted in his capacity of Governor and Commander-in-chief over Massachusetts as well as New-Hampshire, it might, at least with plausibility, be contended, that his orders and his acts in the premises were binding and conclusive upon both Provinces.

The allegation that the middle is the largest branch of Salmon Falls river, we are satisfied is not supported by the fact. From examination and inquiry, we have no doubt that the branch from East pond is the main branch. That Captains Gowing and Warren must have misunderstood Bryant is manifest from his answers on oath of the date of June 22, 1767, (a copy of which, marked C, is herewith submitted;) as also by Bryant's letter of Oct. 9, 1790, (3d Belk. Hist. N. H. 394,) in which he says, that in 1766 he went with a committee of the Massachusetts Legislature to make his deposition upon the spot, if necessary, to the full satisfaction of the committee—"Accordingly said committee, with Col. Wentworth, myself and about five or six assistants, 'went up Salmon Falls river to where the branches met' 'and viewed it well, and from thence we went up the 'westerly branch to the head thereof, and from thence 'crossed over to the head of the easternmost branch, and 'found to the committee's satisfaction, that the easterly 'branch was much the largest of the two; vented much 'more water, and proceeded from a larger pond than the 'westerly branch.'"

Another reason urged why the line should have proceeded from the head waters of the middle branch, as stated in the report of the Committee of Massachusetts before referred to, is, that 'by the plan sent by the 'Commissioners, taken by Mr Jeffrey and which ac-



ber, 1766, (3d Belk. Hist. N. H. 390) complaints are made of the mistakes, and it is stated that in attempts to correct the same, "committees have once and again 'been appointed by this Court to join New-Hampshire thereto, but without success.'"

From the view which we take of the facts in this case, we have not deemed it important to inquire whether Bryant's survey was, or was not *ex parte*. If the point were material, from the fact, that Governor Belcher, at that time, acted in his capacity of Governor and Commander-in-chief over Massachusetts as well as New-Hampshire, it might, at least with plausibility, be contended, that his orders and his acts in the premises were binding and conclusive upon both Provinces.

The allegation that the middle is the largest branch of Salmon Falls river, we are satisfied is not supported by the fact. From examination and inquiry, we have no doubt that the branch from East pond is the main branch. That Captains Gowing and Warren must have misunderstood Bryant is manifest from his answers on oath of the date of June 22, 1767, (a copy of which, marked C, is herewith submitted;) as also by Bryant's letter of Oct. 9, 1790, (3d Belk. Hist. N. H. 394,) in which he says, that in 1766 he went with a committee of the Massachusetts Legislature to make his deposition upon the spot, if necessary, to the full satisfaction of the committee—"Accordingly said committee, with Col. Wentworth, myself and about five or six assistants, 'went up Salmon Falls river to where the branches met' and viewed it well, and from thence we went up the 'westerly branch to the head thereof, and from thence 'crossed over to the head of the easternmost branch, and 'found to the committee's satisfaction, that the easterly 'branch was much the largest of the two; vented much 'more water, and proceeded from a larger pond than the 'westerly branch.'

Another reason urged why the line should have proceeded from the head waters of the middle branch, as stated in the report of the Committee of Massachusetts before referred to, is, that 'by the plan sent by the 'Commissioners, taken by Mr Jeffrey and which ac-



accompanied their report of the settlement of the line in 1737, it appears, that the river there laid down runs north north west, which exactly agrees with the middle or main branch, &c. By the files in the office of the Secretary of State, it appears, that the commissioners in 1737 required that a plan of Salmon Falls river should be furnished to them, which should be agreed to by the agents of both Provinces. Such a plan was made by Mr. Cyprian Jeffrey, (no copy of which can now be found here, or in Massachusetts) which was agreed to by the agents of both Provinces, under the direction of the Assembly of each, on the subject of which Mr. Bryant, in his deposition taken *in perpetuam*, August 14, 1767, (a copy of which marked "B" is herewith submitted,) testifies as follows—'I run up Salmon Falls river, until I came to where it divides into two branches. I viewed them well, and observed their general course where they united, and run up the branch that was broadest there, and nearest the course of said dividing line, and is the same branch or river laid down in the plan annexed to his late Majesty's Instructions for running said dividing line; and in running up said branch I passed up first through one pond, then through another pond, and about one quarter of a mile eastward there is a pond that empties itself into the second pond, and they both appear plainly to be the same that are laid down in the aforesaid plan, and therein called Lovewell's pond, and supposed to be the head of said river, as it heads there in the plan, and no other branch is there taken notice of—so that had I had the plan with me, I should have run my straight line from the second pond on said branch north eight degrees east, according to my particular instructions from Governor Belcher; but being ordered by him to run to the furthestmost head, I passed into a large pond, and finding the several branches that came from the north into said pond nearly of a bigness and small, I called the head of the river coming out of said large pond the head of Salmon Falls river, which place is about one mile and a quarter to the N. W. of the river, as laid down in the aforesaid plan, by which



means I cut off from the Province of New-Hampshire, and left to the old Province of Maine, a piece of land about one mile broad, on the whole length of the line.'

The ponds here described by Bryant, and the supposed line drawn from them are laid down upon the plan marked "B." before referred to.

The objection that no variation should be allowed could never have received or deserved any very serious consideration. If the order was erroneous, it was, as before observed, the order of one acting as Governor of both Provinces. But whatever of error there might have been in the amount of variation allowed at the commencement of the survey, it now appears, by careful observation, that the increase of variation, as we proceed north upon that line, soon corrects and more than balances the trifling difference. The agreement submitted shews, that the westerly variation of the needle, at the time of our survey, at the head of Salmon Falls river, was nine degrees, and that this variation in about seven miles upon the line, increased to nine degrees and fifteen minutes—in twelve miles to nine degrees thirty minutes—in eighteen miles to nine degrees forty-five minutes—in twenty-seven miles, to ten degrees—in forty-four miles, to ten degrees and twenty-three minutes—and in eighty-three miles to eleven degrees forty-five minutes. The state of the weather prevented any observation at the northern extremity of the line, but no doubt exists that the variation there is much over twelve degrees.

Whatever claims in relation to this line heretofore appertained to Massachusetts, the Commissioners of Maine had the right to insist upon. In addition to the general questions involved in the controversy, some difficulties of a more local character had arisen, on some parts of the line, from an uncertainty as to the place where it had been run and marked. In the controversies that had arisen, different claimants had run and marked different sections of the line and different parallel lines, till the line of actual jurisdiction in many parts had become unsettled.

Soon after notice of our appointment to this duty, we



met the Commissioners on the part of Maine, but could come to no agreement upon any general principle for the settlement of the line. Arrangements, however, were made for the appointment of surveyors and assistants on each part, and for a survey to ascertain merely the course of the line, as then occupied by the States. We appointed Eliphalet Hunt, Esquire, surveyor on the part of New-Hampshire, who has discharged his laborious duties with that diligence, faithfulness and accuracy, which were highly satisfactory. Having proceeded with the survey from the outlet of East Pond to the Androscoggin river, in October, 1827, the Commissioners on the part of Maine declined to proceed any further, at that time, and the business was suspended until a meeting was had in June last. The Commissioners then came to an arrangement upon the principles contained in the agreement submitted, and on the 25th of September last proceeded to execute the same by completing the survey, and erecting and establishing monuments as therein described, at the joint expense of the two States, which labor was terminated on the 31st day of October. Had the Commissioners been authorized, and had it been practicable to have agreed on the establishment of a *new* line, it will be perceived that a fraction would have been taken from New-Hampshire on the section of the line first surveyed, while from an allowance of a greater variation at the north, something would have been gained to the State. But in neither case did we believe that the consideration of gain to either party was sufficient to balance the inconvenience which would have resulted from a change of the line of jurisdiction. It will also be perceived, that the line, as now established, is not a perfectly strait line. The trifling variations of the course are made to conform to the known and established line of occupation. In a few places there were found in the line of occupation such abrupt and manifest departures from the true line as to require correction. One of these was between the towns of Newfield and Parsonsfield in Maine, and Wakefield in New-Hampshire, where an offset existed at right angles of eighty-nine rods, seventeen links. The line as now



marked removes the north-west corner of Newfield fifty-three rods, twelve links west, and the south-west corner of Parsonsfield thirty-six rods five links east of their former monuments. The correction of a like offset on the south side of Ossipee river extends the northwesterly corner of Parsonsfield fifty-two rods, twelve links westward. Should the result of our labors prove acceptable to the States concerned, it is believed, that the line, in its whole extent, is so distinctly traced, marked and described, and the monuments so established, that no difficulty need hereafter exist in ascertaining it.

We have deemed it our duty thus to state as plainly as in our power, the nature and character of the difficulties which have existed in relation to this line, and the manner in which we have endeavored to adjust them, that, upon a view of the whole ground, the Legislature may determine upon the expediency of exercising the power reserved to them in the conditional agreement which has been executed.

All which is respectfully submitted—

ICHABOD BARTLETT,  
JOHN W. WEEKS.

November 19, 1822.



We ISHABOD BARTLETT and JOHN W. WEEKS, Commissioners appointed on the part of New-Hampshire, and WILLIAM KING and RUFUS M. INTIRE, Commissioners appointed on the part of the State of Maine, to ascertain, survey, and mark the line between the States of New-Hampshire and Maine, and to erect suitable monuments to designate it as the true boundary line of said States, have surveyed said line, marked the same, and erected monuments to designate it as the true boundary line of said States, in the manner herein set forth.

The Report of the Commissioner appointed by his Majesty's Order in Council, of February twenty-second, 1735, and confirmed by his order of the fifth of August, 1740, having established "that the dividing line shall pass up through the mouth of Piscataqua *Harbor*, and up the middle of the river of Newichwannock, part of which is now called the Salmon Falls, and through the middle of the same to the farthest head thereof," &c. and "that the dividing line shall part the Isles of *Sholes* and run through the middle of the Harbor between the Islands, to the Sea on the southerly side," &c. We have not deemed it necessary to commence our surveys until we arrived north at the head of Salmon Falls river, which was determined by Bryant, at his survey in 1740, to be at the outlet of East pond, between the towns of Wakefield and Shapleigh. From that point we have surveyed and marked the line as follows, viz: We commenced at the Bryant rock, known as such by tradition, which is a rock in the middle of Salmon Falls river, at the outlet of East pond, about six feet in length, three feet in breadth, three feet in depth, and two feet under the surface of the water, as the dam was at the time of the survey, to wit, October first, 1827: said stone bears south, seventy-one degrees west, three rods and eight links from a large rock on the eastern bank, marked "1827," and bears also from a rock near the mill dam, (marked "H.") north, nineteen degrees and thirty minutes west, and distant twelve rods and twenty-one links.



At this point the variation of the needle was ascertained to be *nine degrees west*. From the above stone the line is north, seven degrees forty one minutes, east, one hundred and seventy-eight rods to East pond, and crossing the pond, three hundred and eleven rods in width, to a stone monument, which we erected upon the bank, about three and a half feet high above the surface of the ground, marked N on the west side, and M on the east side, which description applies to all the stone monuments herein after mentioned, unless they are otherwise particularly described. Thence the same course, two hundred and twenty-five rods to Fox Ridge, and to a stone monument, which is placed upon the north side of the road that leads from Wakefield to Shapleigh: Thence two hundred rods to Balch's pond, across the pond one hundred and three and half rods, across a peninsula thirty-six rods, across a cove fifty-one rods and seventeen links, across a second peninsula forty-eight rods, across a second cove twenty-seven rods ten links: Thence three hundred and seventy rods to the road leading from Newfield to Wakefield and a stone monument erected on the north side of the same near Campbrell's house: Thence north, six degrees and ten minutes east, five hundred and ninety rods to the line of Parsonsfield, to a stone monument, with additional mark "1828." At this point the variation of the needle was found to be nine degrees fifteen minutes west. Thence the same course, five hundred and eleven rods, crossing the end of Province pond, to a stone monument on the Parsonsfield road, near the house of James Andrews, also with additional mark "1828". Thence north eight degrees and thirty-eight minutes east, two hundred and eight rods to the old corner stone of Effingham, about two feet above the ground, and not marked: Thence north eight degrees, fifty-five minutes east, two hundred and seventy-seven rods to a large round stone, about three feet diameter and two feet high, marked N & M by the road upon Towle's hill: Thence north, seven degrees, fifty-five minutes east, six hundred and thirty-one rods to a stone monument, on the road leading from Parsonsfield to Effingham. At this point the variation of the



needle was found to be nine degrees thirty minutes west :  
 Thence north five degrees two minutes east, seven hundred thirty-four rods to a pine stump upon a small island in Ossipee river at the foot of the falls : Thence north ten degrees east, thirty rods to a stone monument on the north side of the new road from Porter to Ellingham : Thence the same course, five hundred fifty-eight rods to the top of Bald mountain : Thence same course three hundred sixteen rods to the top of Bickford mountain. Thence the same course one hundred and ninety-three rods, to a stone monument on the north side of the road leading from Porter to Eaton. At this point the variation of the needle was found to be nine degrees forty-five minutes west—Thence north eight degrees five minutes east seven hundred forty-four rods to Cragged Mountain—Thence same course, sixty-seven rods to the corner of Eaton : Thence same course seven-hundred eighty-seven and an half rods to the corner of Conway : Thence same course six hundred ten and an half rods, to a stone monument on the south side of the road leading from Brownfield to Conway Centre : Thence north, eight degrees east, eight hundred seventy-one rods, to a stone monument on the south side of the road leading from Fryburg village to Conway. At this point the variation of the needle was found to be ten degrees west : Thence same course four rods to a stone monument on the north side of the same road : Thence north eight degrees fifteen minutes east one hundred two rods, to Saco River : Thence same course eighteen rods across said river : Thence same course, six hundred forty-four rods, to a stone monument on the road leading to Fryburg village, on the north side of the river. This monument is marked as before described, and is about eight feet high above the ground. Thence same course, one hundred forty-two rods, to Ballard's mill-pond : Thence same course, sixty-one rods six links, across said pond : Thence same course, three hundred forty-four rods to a stone monument on the east side of Chatham road : Thence same course, six hundred ninety rods, to Kim-pond : Thence same course, one hundred sixty-six rods across said pond : Thence same course, sixty rods



to a stone monument on the meadow : Thence same course, nine hundred forty rods to the corner of Bradley and Eastman grant : Thence same course, six hundred and ninety rods, to a stone monument on the east side of the Cold River road. This stone is marked as before described, but is not more than two feet above the ground. Thence same course, one thousand five hundred forty rods to the corner of Warner and Gilman's Location, a pile of stones. At this point the variation of the needle was found to be ten degrees twenty-three minutes west. Thence same course, four hundred and fifty rods, to top of Mount Royce : Thence same course, eight hundred ninety rods, to Wild River : Thence same course, eight rods, across said river : Thence same course, seven hundred sixty-five rods, to a stone monument on the north side of the road leading from Lancaster to Bethel : Thence same course, one hundred rods, to Androscoggin river : Thence same course, eighteen rods, across said river : Thence north eight degrees ten minutes east, four thousand one hundred sixty-two rods, across ten streams, to Chickwalnepg river : Thence same course, two thousand five hundred rods, to a stone monument on the north side of the road leading from Errol to Andover. This stone is marked "N. H." and "M." Thence same course, two hundred ten rods to Cambridge river : Thence same course, eight rods, across said river : Thence same course, five hundred sixty-seven rods to Umbagog Lake : Thence same course, thirty-four rods across a cove of the same : Thence same course, ten rods across a peninsula of the same : Thence same course, two hundred twenty-five rods across a bay of said lake : Thence same course, two hundred six rods across a peninsula of the same : Thence same course, one thousand one hundred sixty-five rods across the north bay of said lake to a cedar post marked "N M" : Thence north eight degrees east, seven hundred fourteen rods to pond brook : Thence same course, two hundred twenty-five rods to a stone monument on the south side of the Margalloway river : Thence same course, ten rods across said river : Thence same course, one hundred sixty-two rods to a spruce,



corner of the College Grant : Thence same course, two hundred sixty-four rods to Margalloway river a second time. At this point the variation of the needle was found to be eleven degrees forty-five minutes west. Thence same course, ten rods across said river : Thence same course, two hundred and ninety rods to same river a third time : Thence same course, across said river ten rods to a monument made with three stones on the north side of same river, about two feet high, and not marked : Thence same course, four hundred forty-four rods to corner of Township No. 5, in second range in Maine : Thence same course, one thousand eight hundred six rods, to the north corner of the same Township : Thence same course four hundred and sixty rods to branch of Little Diamond river : Thence same course three hundred fifty rods to another branch of the same : Thence same course two thousand one hundred twenty rods to a branch of the Margalloway river : Thence same course, three hundred thirty-two rods to another branch of the same : Thence same course, four hundred rods to a steep mountain called Prospect Hill : Thence same course, nine hundred and twenty rods to Mount Carmel, sometimes called Sunday Mountain : Thence same course, four hundred rods to a perpendicular precipice : Thence same course five hundred and forty rods to a branch of Margalloway river : Thence same course, two hundred and sixty rods, to a branch of the same : Thence same course three hundred forty-six rods to a second steep precipice : Thence same course one hundred eighty-six rods to a branch of the Margalloway river ; Thence same course two-hundred and forty-two rods to another branch of the same river : Thence same course, seventy-eight rods to Beaver Pond : Thence same course, one hundred twenty-six rods to a yellow birch tree on the high lands which divide the waters that run south from those that run into the St. Lawrence, being the northern extremity of the line, and one hundred and twelve miles, two hundred and thirty-three rods from the head of Salmon Falls river. Found said



tree marked on the east side, "M. E, 1789," and on the west "N. H. N. E," also "M." 51." To these marks we added "N. H." "N. E." and M. E." "1828." "E. H." "A. M. M," "1828." And stones are piled round the same, and marked. The whole course of the line from the Androscoggin river was re-marked by spotting the old marked trees, and crossing the spots and marking others in the course : and the line as above surveyed and described we agree to be the true boundary line of said States, and the above described marks and monuments we establish to designate the same ; and that the said line hereafter remain the boundary line between the States, unless the Legislature of either State shall, at the first session after the execution of this agreement, by resolve disapprove of the same.

ICHABOD BARTLETT,

JOHN W. WEEKS,

*Commissioners of New-Hampshire.*

WILLIAM KING,

RUFUS MINTIRE,

*Commissioners of Maine.*

November 13, 1828.







COPY

October 15, 1969

To His Excellency, the Governor  
and the Honorable Council

Gentlemen:

Because of your concern over the legality of the State of Maine income tax imposed upon the wages of New Hampshire residents employed at the naval yard located on Seavey Island in the Piscataqua River, you have asked for a legal opinion on two questions:

"First, is there, in your opinion, any question as to the geographic location of Seavey Island and particularly whether or not it might lie within the borders of New Hampshire.

"Secondly, the United States Supreme Court decisions in the cases of Shaffer v. Carter, 252 U.S. 36, 64 L.Ed. 445 (1919); Travis v. Yale & Towne Manufacturing Co., 252 U.S. 60, 64 L.Ed. 460 (1919); International Harvester Co. v. Wisconsin Department of Taxation, 322 U.S. 435, 33 L.Ed. 1373 (1944), direct themselves, amongst other things to the proposition that benefits accrue to employers of non-residents in the taxing state as well as to the fact that benefits from the taxing state inure to the benefit of non-resident employees.

"We wish you to advise us as to whether or not this basis for the court's decision can be distinguished from the cases of the New Hampshire residents employed at the Portsmouth



To His Excellency, the Governor  
and the Honorable Council

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"Naval Shipyard, inasmuch as the Naval Shipyard is self-sufficient and does not depend on the State of Maine or any of its municipalities or townships for services or support of any kind."

My opinion is that:

1. Seavey Island in the Piscataqua River, upon which the United States navy yard is located, is territorially a part of the State of Maine; and

2. The second question raised by you does not raise a question of law relating to your official duties as Governor and Council and, therefore, does not fall within the ambit of RSA 7:8 which authorizes this office to render legal advice to state officers and state boards on questions of law relating to the performance of their official duties.

On September 2, 1737, after having considered the evidence presented by the two Provinces, including the Council of Plymouth grant to Captain John Mason on November 7, 1629 and the King Charles the First grant to Sir Ferdinando Gorges on April 2, 1639, The Commission To Settle Bounds Between The Province of New Hampshire and the Province of Massachusetts Bay decided that as to the Piscataqua River boundary between New Hampshire and what is now Maine,

"... the dividing line shall pass up through the mouth of Piscataqua Harbour & up the Middle of the River into ye River of Newichwannock (Part of which is now called Salmon Falls) and through the Middle of the Same to the furthest head thereof : : ." 19 State Papers, New Hampshire (1679-1764) 392.

On October 14, 1737, The Province of New Hampshire appealed from that decision saying that

"We object against that part of the judgment that says 'through the mouth of Piscataqua Harbor and up the middle of the River', Because we humbly conceive that Mr. Gorges Patent by which the Massachusetts claim, doth not convey



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"any Right to the River, for the whole of that River and the Jurisdiction thereof hath ever been in the possession of this Province, and never claimed by the Massachusetts, and this Province in order to preserve and safeguard the same have always had a Castle and maintained a garrison there". 4 State Papers. New Hampshire (1722 - 1737) 746.

The King of England in Council, on August 5, 1740, rejected New Hampshire's claim to "the whole of the River" and sustained the report of The Commission To Settle Bounds that the Piscataqua River boundary between New Hampshire and what is now Maine, was "the middle of the River". 19 State Papers. New Hampshire (1679 - 1764) 476-79. See three maps of that period and of the area in question in 19 State Papers. New Hampshire (1679 - 1764) opposite page 628.

The 1737 determination of the Piscataqua River boundary was accepted by New Hampshire and Maine after they became states. New Hampshire, by resolution dated June 30, 1827,

"Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor by and with the advice of the Council be, and is, hereby authorized to appoint two Commissioners on the part of this State, who shall have power under the direction of the Governor, and in conjunction with commissioners to be appointed on the part of the State of Maine to ascertain, survey, mark and renew the dividing line between this State and the State of Maine, in its whole extent, and to erect thereon suitable monuments to designate it as the boundary line of said States.

"And be it further Resolved, That His Excellency the Governor of this State be requested to transmit a copy of this Resolution to the Governor of the State



To His Excellency, the Governor  
and the Honorable Council

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"of Maine, and take such other measures  
as may be necessary to carry the same  
into immediate effect." 9 N.H. Laws  
(Second Constitutional Period) 701.

The State of Maine appointed two commissioners for the  
purposes stated, also.

The New Hampshire commissioners filed their report dated  
November 19, 1828, with the Governor of New Hampshire. The report  
is entitled "Report of Commissioners Appointed To Settle The Line  
Between New Hampshire and Maine". (A printed copy of the report  
is in the vault of the New Hampshire State Library, and its index  
number is V 917.42 N 5324r, B.V. It cannot be removed from the  
library.) The report recites that the New Hampshire Commissioners  
acted pursuant to the resolve of the General Court adopted on  
June 30, 1827, and that "in conjunction with [the two commissioners]  
appointed on the part of the State of Maine, we have ascertained,  
surveyed, marked and renewed the dividing line between this State  
and Maine".

The New Hampshire and Maine commissioners stated in  
their report that they had "not deemed it necessary to commence  
our surveys until we arrived north at the head of Salmon Falls River  
because the King's Commissioners in 1737 had determined 'that the  
dividing line shall pass up through the mouth of the Piscataqua Harbor,  
and up the middle of the river of Newichwanock, part of which is now  
called the Salmon Falls, and through the middle of the same to the  
farthest head thereof'". Report of Commissioners, 13.

The boundary line reported by the commissioners of Maine  
and New Hampshire was accepted as a true boundary line between the  
two states. In New Hampshire, by resolution dated December 16, 1828,  
it was:

"Resolved by the Senate and House of Representatives  
in General Court convened, That the report of the  
Commissioners, who were appointed on the part of the  
State of New Hampshire, pursuant to a Resolve of the  
Legislature, passed June 30, 1827, and who have, in  
conjunction with Commissioners appointed on the part  
of the State of Maine, ascertained, surveyed, marked  
and renewed the dividing line between this State and  
the State of Maine, as set forth in said Report, to-  
gether with the surveys and accompanying documents, be



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deposited on file in the Secretary's office of this State. And that the dividing line as surveyed, marked out and designated by said Commissioners, be, and the same is hereby approved of, and shall, from and after the passage of the Resolution, be recognized as the true boundary line between the two States. Providing the State of Maine do approve of, and recognize the same".  
9 Laws of N.H. supra, p. 943.

Maine, by legislative resolve of February 28, 1829, approved and accepted the report of the commissioners. See, State v. Wagner, 61 Maine Reports, 178, 190 (1873); Resolves 1829, Maine, ch. 29.

There is no doubt that, based upon the brief documentary history set forth above, both New Hampshire and Maine, as states, accepted the boundary line described in the 1823 Report, specifically, that the Piscataqua River boundary between New Hampshire and Maine lies in the middle of the Piscataqua River.

Not only has the State of New Hampshire, since 1829, and the State of Maine, since 1829, formally and officially accepted the 1737 determination of the Piscataqua River boundary as sustained by the 1740 decision of the King of England in Council, but, neither state, as a province or a state, has controverted, since 1740, that Seavey Island upon which the United States Navy Yard is located is a part of the State of Maine. Maine Laws of 1853, Chapter 112, entitled "An act ceding jurisdiction over certain lands on Seavey island [sic] in the town [sic] of Kittery to the United States" took effect on January 16, 1853. According to that act, the State of Maine granted and ceded to the United States of America jurisdiction "over such portion of Seavey island [sic] in the town [sic] of Kittery, as may be purchased for the purpose of using the same as a part of the navy yard located in that town . . . And provided [italics] that the exclusive jurisdiction shall revert to and revert in the State of Maine, whenever the said lands so ceded shall cease to be used by the United States for the purpose hereinafore declared".

I know of no objection raised by the State of New Hampshire to this transaction or to the underlying premise that Seavey Island is a part of Maine territorially.

I have stated above that my opinion is that the questions relating to the validity of the State of Maine income tax imposed upon New Hampshire residents employed at the United States Navy Yard located on Seavey Island in the Piscataqua River does not relate to the performance of duties of the Governor and Council as Governor and Council.



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The position of this office that the question does not relate to the performance of duties of the Governor as Governor and that there are no interests of the state or of the people involved in the question was communicated to the Governor's office by letters dated July 10, July 31, and August 12, 1969.

The request from the Governor and Council raised for the first time, insofar as this office is concerned, the question whether Seavey Island is a part of New Hampshire. I have rendered my opinion on that question, above. The request from Governor and Council raised, also, the question of the validity of the State of Maine income tax imposed upon New Hampshire residents employed at the United States Navy Yard on Seavey Island and cited United States Supreme Court cases which I had set forth in my July 10 letter to the Governor. Additional citations are 4 U.S.C.A. 36 105-111; Kiker v. City of Philadelphia 346 Pa 824, 31 A 2d 289, cert. den. 320 U.S. 741, 83 L. Ed. 489, 64 S. Ct. 41; Application of Chapman, 157 F. Supp 93, aff'd. 253 F. 2d 320, cert. den. 358 U.S. 951, 3 L. Ed. 2d 363, 79 S. Ct. 317, reh. den. 359 U.S. 921, 32 L. Ed. 2d 584, 79 S. Ct. 579. Although this request for an opinion is raised by the Governor and Council rather than the Governor, alone, the question raised does not relate to the performance of duties of the Governor and Council nor to interests of the state or of the people; therefore, the relevant language from the letters of this office to the Governor, dated July 10, July 31, and August 12, 1969, apply to the request from the Governor and Council.

Historically, from the records in this office, at least two previous Governors have raised the question of state assistance in controversies regarding the imposition of another state's income tax upon New Hampshire residents employed in that other state. On both occasions, each Governor accepted this office's advice that the legal issues involved matters personal to the aggrieved New Hampshire residents who should retain legal counsel to represent them. The legal advice rendered in those instances by this office and the acceptance of that legal advice by the Governor were correct, in my opinion.

Very truly yours,

George S. Pappagianis  
Attorney General







YORK REGISTRY OF DEEDS  
BOOK 270, PAGE 64

FROM CUSHMAN PRIOR TO SCHOOL DISTRICT NO. 8  
SEPTEMBER 11, 1860  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Cushman Prior of the town of Kittery, in the County of York, and State of Maine, yeoman, for and in consideration of the sum of fifty dollars, to me in hand, paid by the Inhabitants of School District No. 8 in said town of Kittery, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said Inhabitants of said School District, a tract of land situated on Seavey's Island (so called) in said town of Kittery, for a School House lot, and for no other purpose whatever, and bounded as follows: Beginning at the South Westerly corner of said lot, and running North by West 43 feet by road leading to Seavey's Island bridge, so called, to a point near Mr. Noah Standing's dwelling house, thence East & North by land of said Cushman Prior, 60 feet to a post, thence South by East 43 feet by land of said Prior to a post, thence West & South 60 feet by land of said Prior to the place begun at, containing 2580 feet, be the same more or less. The bearings being taken by a mariner's compass.

To have and to hold the afore granted and bargained premises, with all the privileges and appurtenances thereof to the said Inhabitants of School District No. 8 to hold as aforesaid. And I do covenant with the said Inhabitants of said School District No. 8, that I am lawfully seized in fee of the Premises, that they are free of all incumbrances: that I have good right to sell and convey the same to the said Inhabitants of the said School District to hold as aforesaid; and that I and my Heirs shall and will warrant and defend the same to the said Inhabitants of said School District No. 8 against the lawful claims and demands of all persons.

In witness whereof, I, the said Cushman Prior and Deborah R. Prior, wife of the said Cushman Prior, in testimony of her relinquishment of her right of dower, in the above-described premises, have hereunto set our hand and sel this eleventh day of September, in the year of our Lord one thousand eight hundred and sixty.

Cushman Prior [seal]  
Deborah R. Prior [seal]

Signed, sealed, and delivered  
in the presence of

Isaac D. Phillips  
Sarah R. Prior



State of Maine, York, ss.

September 11, 1860, personally appeared the above named Cushman Prior, and acknowledged the above instrument to be his free act and deed. Before me -

ISAAC D. PHILLIPS

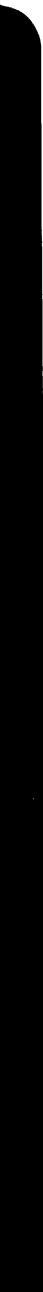
*Justice of the Peace*







8



## EXCERPT FROM OFFICIAL RECORDS OF TOWN OF KITTERY

The undersigned Selectmen of Kittery upon the application of Horatio Bridge and others to lay out a Town way in said Town beginning at the Bridge leading from the United States Navy Yard on Seavey Island so called and ending at or near the dwelling House of Thomas Abrams in said Kittery, having given seven days written notice of our intention to lay out the same and Stated in said notice the termini thereof by posting up said notice in two public places in said town and in the vicinity of the proposed Road to wit, at the Post Office and at the [illegible] house on Kittery Point Bridge in said Town on the fourth day of September instant and having met at the time and place appointed for that purpose, and having personally examined the route proposed, we are of opinion that there is occasion for a Town way for the use of said town a part of the way only as proposed we therefore lay out said way as follows beginning at the center or middle of the Bridge leading from the U. States Navy Yard on land of Horatio Bridge and running south fourteen degrees East to a Stake in the ground four rods thense on said Bridges Land South twenty six degrees west Eighteen rods - thense on said Bridges land south nineteen degrees west eleven rods thense on said Bridge land South twenty one degrees west twenty one rods to land of Edwin Appleton thense on land of said Appleton south twenty one degrees west eleven rods thense on said Appleton land South thirty four degrees east twelve rods and nine links to land of John Prior thence on said Prior land land south thirty four degrees west seven rods thense on said Prior land south thirteen degrees East six rods and sixteen links to land of Cushman Prior thense on land of Cushman Prior south thirteen degrees East twenty rods and Eighteen links to land of Daniel Trefethen thense on said Trefethens land south fifteen degrees East twenty rods to land of James Trefethen thense on land of said James Trefethen south seventy nine degrees East seventeen rods to land of Cushman Prior Termine of said road the line described to be the middle of the Highway and the Highway to be two Rods wide and we do award to the owners of the land over which the road drapes for their damage as follows to wit:

To the said Horatio Bridge to pay him	\$108.
To the said Edwin Appleton to pay him	\$ 46.
To the said John Prior to pay him	\$ 26.
To the said Cushman Prior to pay him	\$ 41.
To the said Daniel Trefethen to pay him	\$ 36.
To the said James Trefethen to pay him	<u>\$ 34.</u>
	\$291

Their damage to be paid by said Town respectively and we allowed the several owners respectively six months to take of the wood & trees growing on said land and to remove the fence which such laying out with the boundaries and admeasurments have been filed with the Town Clerk on the twenty first day of September being seven days



before this meeting and we now hereby report such laying out with the boundaries and Admeasurments of the same to said Town at a meeting of the Inhabitants regularly warned and notified for them to accept and allow the same - given under our hands this twentieth day of September 1855

Oliver Cutts  
Joseph L. E. Cox  
John Wentworth  
Selectmen of Kittery

A true copy Attest  
Briard A. Currier Town Clerk



EXCERPT FROM OFFICIAL RECORDS OF TOWN OF KITTERY

To George W. Parker a constable of the Town of Kittery Greeting ---

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the said town of Kittery, qualified by law to vote in Town affairs to assemble at the Almshouse in said Town on Thursday the fourth day of October next at the O'clock in the afternoon to act on the following article viz .....

First to choose a moderator to preside in said meeting .....

Second To see if the Town will accept and allow the doings of the Selectmen in the laying out

A Town way on seaveys Island (so called) on the request of Horatio Bridge and Others .....

Third To see if the Town will vote to raise money or otherwise provide for making said road

And pass any other vote or votes relating to the premises they may then and there think proper

Given under our hands this twenty fourth day of September A.D. 1855

Oliver Cutts  
John Wentworth  
Joseph E. Cox  
Selectmen of Kittery

York SS Kittery September 29<sup>th</sup> 1855 By virtue of the written warrant to me directed I have notified and warned the inhabitants of the Town of Kittery qualified by law to vote in Town affairs to assemble at the and place and for the purpose within named by posting up two attested copies of this warrant viz one at [illegible] Store one at the Union Store in said Town of Kittery they being two publick and conspicuous places seven dayes before said day of meeting George W. Parker  
Constable

A true copy Attest Briard A. Currier Town Clerk

Ephraim C. Spinney Chosen Moderator being present personally appeared and took the Oath of Office required by law before me

Voted to accept the doings of the Selectmen in laying out a Town way on Seaveys Island (so called)

Voted to refer the third article of the warrant to the usual March meeting

Voted to reconsider the vote last past

Voted to raise the sum of two hundred and fifty dollars by an assessment on the

Inhabitants of said Town to furnish materials to build said Town way

Voted that one of the Selectmen superintend the building of said Town way



Voted to pay said superintendent one dollar and fifty cents per day while employed on

said way

Voted the same compensation be paid for labour and materials as was paid last year

on the new road

Voted the Selectmen be instructed to asses the taxes within ten dayes and commit

Said lists to the Surveyers of Highway in said town

Voted to dissolve this meeting

A true Copy Attest Briard A. Currier Town Clerk



EXCERPT FROM OFFICIAL RECORDS OF TOWN OF KITTERY

We the undersigned have committed to Oliver Berry Esq., Treasure & Collecttor of the Town of Kittery the sum of Fourty three Dollars and Seventy Six cents for collection This sum being the amount return by the several surveyors on Seavey Island read as uncollected by them.

Kittery July the 26<sup>th</sup> 1856

A. E. Parsons  
E. C. Spinney  
Assessors of Kittery



# EXCERPT FROM OFFICIAL RECORDS OF TOWN OF KITTERY

The following is a copy of a Highway Tax assessed on the Polls and Estates of inhabitants and [illegible] Residents Proprietors of the Town of Kittery for making the new Road on Seaveys Island (so called) in the year 1855.

Valuation	\$3289.55
-----------	-----------

Apportioned at 7/10 of one mill on the dollar

Sum voted to be raised	\$ 250.00
Overlaid	<u>6.78</u>
	\$ 256.78

We the undersigned have assessed a highway tax on the New Road on Seaveys Island on the above valuation and apportionment & have committed the same to the several surveyors of highways in the Town with instructions

Kittery October 11 - 1858

Oliver Cerith  
John Wentworth  
Selectmen of Kittery







YORK REGISTRY OF DEEDS  
BOOK 297, PAGE 535

FROM SUSAN TREFETHEN TO THE UNITED STATES  
AUGUST 2, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Susan Trefethen, widow of William Trefethen, late of Kittery, in the county of York, State of Maine, in consideration of one dollar, paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell, and convey, and forever quitclaim unto the said United States of America, and their assigns forever, all my right, title, and interest in and to any and all real estate on Seaveys Island in said Kittery; and I do especially release and quitclaim unto the said United States of America my right of dower in the pasture and other real estate described in a deed from Henry Trefethen to the said William Trefethen, dated June 1, 1796, and recorded in York registry of deeds, book 95, page 17, and also my right of dower in and to any other portion of said island.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to the said United States of America and their assigns forever.

In witness whereof I, the said Susan Trefethen, have hereunto set my hand and seal this second day of August, in the year of our Lord one thousand eight hundred and sixty-six.

Susan (her x mark) Trefethen [seal]

Signed, sealed, and delivered  
in the presence of

Francis Bacon

State of Maine, York, ss.

August 2, 1866, personally appeared Susan Trefethen and acknowledged the above instrument to be her free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 297, PAGE 536

FROM NANCY JENKINS TO THE UNITED STATES  
AUGUST 8, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Nancy Jenkins, widow of John Jenkins, late of Kittery, in the county of York, deceased, in consideration of one dollar, paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell, and convey, and forever quitclaim unto the said United States of America, and their assigns forever, all my right, title, and interest in and to all land and buildings situated and being on Seaveys Island, so called, in the Piscataqua River, within said Town of Kittery, and all my right, title, and interest in and to said island or any portion thereof, intending particularly to release and relinquish to said United States my right of dower in and to the same and more especially my right of dower in the real estate which my husband, the late John Jenkins, conveyed to Samuel Odione by deed dated August 21, 1840, and recorded in York registry book 182, pages 263-4.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to the said United States and their assigns forever.

In witness whereof I, the said Nancy Jenkins, have hereunto set my hand and seal this eighth day of August, in the year of our Lord one thousand eight hundred and sixty-six.

Nancy Jenkins [seal]

Signed, sealed, and delivered  
in the presence of

M.F. Wentworth  
Sarah P. Jenkins

State of Maine, York, ss.

August 8, 1866, personally appeared Nancy Jenkins and acknowledged the above instrument to be her free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 297, PAGE 537

FROM SARAH PRIOR TO THE UNITED STATES  
OCTOBER 12, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Sarah Prior, of Kittery, in the county of York and State of Maine, in consideration of nine hundred and fifty-seven dollars and forty-one cents, paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell, and convey, and forever quitclaim unto the said United States of America, heirs and assigns forever, all my right, title, and interest in and to any and all real estate on Seaveys Island, in the Piscataqua River, in said Kittery, and I do especially release and quitclaim unto the said United States my right of dower in and to the lot of land and buildings of which my late husband, Levi Prior, died seized and possessed, which lot is numbered "twenty" (20) on a plan of said island made by B.F. Chandler, Esq., Civil Engineer of the Kittery navy, recorded in York Registry of Deeds, Plan Book No. 1, page 69, and also my right of dower as widow of the said deceased in and to any other portion of said island:

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to the said United States of America and their assigns forever.

In witness whereof I, the said Sarah Prior, have hereunto set my hand and seal this twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-six.

Sarah Prior [seal]

Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 12, 1866, personally appeared Sarah Prior and acknowledged the above instrument to be her free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 30

FROM GEORGE PREBLE TO THE UNITED STATES  
OCTOBER 1, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, George B. Preble of Kittery in the county of York & State of Maine, in consideration of eighteen hundred and ninety dollars and forty cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey, unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island in the Piscataqua river, within the said town of Kittery, and all the right title and interest which I have in and to said Island or any portion thereof, whatever said interest may be, whether in fee, simple, reversion, remainder or expectancy, and however I may have required the same, whether by purchase, gift descent, devise or occupation. Intending especially to include in this conveyance lot numbered "One" (1) as delineated on a plan of said island made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard and recorded in the Registry of Deeds for said county of York, Plan Book No. 1, page 69, together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lot, and my right of passage in the road crossing the said Island, and all my right title and interest in the bridge, connecting said island with the said Navy Yard, not meaning hereby to convey the island on which I now reside, called Jamaica or Preble Island.

To have and to hold the same, with all the privileges and appurtenances thereunto belonging to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said George B. Preble and Harriet E. Preble, wife of the said George B. Preble, in testimony of her relinquishment of her right of dower in the above-described premises have hereunto set our hands and seals this first day of October in the year of our Lord one thousand eight hundred and sixty-six.

George B. Preble [seal]  
Harriet E. Preble [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon to both

State of Maine, York, ss.

October 1, 1866, personally appeared George B. Preble and Harriet E. Preble and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 31

FROM CUSHMAN PRIOR TO THE UNITED STATES  
SEPTEMBER 29, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Cushman Prior of Stratham, in the state of New Hampshire, in consideration of fifty six hundred and seventy one dollars and twenty cents, paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river, within the town of Kittery in the state of Maine, and all the right, title and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation, Intending especially to include in this conveyance lots numbered "Four" (4) and "Ten" (10) as delineated on a plan of said Island made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard and recorded in the Registry of Deeds for said county of York, Plan Book No. 1, page 69, together with all rights of wharfage and of landing and all aquatic and riparian rights pertaining to said lot, and my right of passage in the road crossing the said island, and all my right title and interest in and to the bridge connecting said island with the said Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Cushman Prior and Deborah R. Prior, wife of the said Cushman Prior, in testimony of her relinquishment of her right of Dower in the above-described Premises have hereunto set our hands and seals this twenty ninth day of September in the year of our Lord one thousand eight hundred and sixty-six.

Cushman Prior [seal]  
Deborah R. Prior [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
W.F. Wentworth

State of Maine, York, ss.

September 29, 1866, personally appeared Cushman Prior and Deborah R. Prior  
and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 32

FROM SAMUEL C. DIXON TO THE UNITED STATES  
SEPTEMBER 29, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that we, Samuel C. Dixon and Lucy M. Dixon, his wife, in her own right, of Stratham in the state of New Hampshire, in consideration of thirty seven hundred and eighty dollars and eighty cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by us or either of us, situated and being on an island called Seaveys Island in the Piscataqua river, within the town of Kittery, Maine, and all the right title and interest, which we or either of us have in and to said island or any portion thereof, whatever said interest may be whether in fee simple, reversion, remainder expectancy, dower or curtesy, and however we may have required the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance, lot numbered "Seven" (7) as delineated on a plan of said Island made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard and recorded in York Registry of Deeds, Plan Book No. 1, page 69, and to include the lot of land conveyed to said Samuel by James Trefethen, by deed recorded in said Registry Book 248, page 475. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lots, and our right of passage in the road crossing said island and all or right title and interest in and to the bridge connecting the said island with the said Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereunto belonging to the said United States of America and assigns, to their use and behoof forever. And we do covenant with the said United States of America and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances; that we have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that we and our heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Samuel C. Dixon and Lucy M. Dixon, have hereunto set our hands and seals this twenty ninth day of September in the year of our Lord one thousand eight hundred and sixty-six.

Samuel C. Dixon [seal]  
Lucy M. Dixon [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
W.F. Wentworth

State of Maine, York, ss.

September 29, 1866, personally appeared Samuel C. Dixon and Lucy M. Dixon  
and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 33

FROM ETHAN LOCKE TO THE UNITED STATES  
OCTOBER 4, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that we, Ethan A. Locke and Lydia F. Locke his wife, in her right, of Kittery in the County of York and state of Maine in consideration of three thousand and twenty four dollars and sixty four cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by us, or either of us situated and being on an island called Seaveys Island in the Piscataqua river, within said town of Kittery, and all the right title and interest which we, or either of us, have in and to said island, or any portion thereof, whatever said interest may be whether in fee simple, reversion, remainder, expectancy, dower or curtesy, and however we may have acquired the same, whether by purchase, gift, descent, devise or occupation, or by operation of law. Intending especially to include in this conveyance, lot numbered "Fourteen" (14) as delineated on a plan of said island made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard and recorded in the Registry of Deeds for said County, Plan Book No. 1, page 69. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to the said lot, and our rights of passage in the road crossing, said island, and all our right, title and interest, in and to the bridge connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And we do covenant with the said United States of America and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances; that we have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that we and our heirs, will warrant and defend the same to the said United States of America heirs and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Ethan A. Locke, and Lydia F. Locke, have hereunto set our hands and seals this fourth day of October in the year of our Lord one thousand eight hundred and sixty-six.

Ethan A. Locke [seal]  
Lydia F. Locke [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John A. Cheever

State of Maine, York, ss.

October 4, 1866, personally appeared Ethan A. Locke and Lydia F. Locke and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 34

FROM DANIEL PRIOR TO THE UNITED STATES  
OCTOBER 5, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Daniel J. Prior of Kittery in the County of York & State of Maine, in consideration of twenty eight hundred and thirty five dollars & sixty cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river, within said town of Kittery, and all the right title and interest which I have in and to said island or any portion thereof, whatever said interest may be whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance lot numbered "Twenty-Two" (22) as delineated on a plan of said Island, made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69, together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lots, and my rights of passage in the road crossing said island, and all my rights title and interest in the bridge connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Daniel J. Prior and Matilda B. Prior, wife of the said Daniel J. Prior, in testimony of her relinquishment of her right of dower in the above-described Premises, have hereunto set our hands and seals this fifth day of October in the year of our Lord one thousand eight hundred and sixty-six.

Daniel J. Prior [seal]  
Matilda B. Prior [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon

State of Maine, York, ss.

October 5, 1866, personally appeared Daniel J. Prior and Matilda B. Prior and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 35

FROM JOHN PIERCE TO THE UNITED STATES  
OCTOBER 8, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, John Pierce of Kittery, in the County of York & State of Maine, in consideration of two thousand eight hundred & thirty five dollars & sixty cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America, and Assigns forever, all lots of land and buildings owned by me situated and being on an island called Seaveys Island, in the Piscataqua river, within the said town of Kittery, and all the right, title and interest, which I have in and to said Island, or any portion thereof, whatever said interest may be, whether in fee simple reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance lot numbered "Thirteen" (13) as delineated on a plan of said island made by B. F. Chandler Esquire, Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No 1, page 69, together with my right of passage in the road crossing said island, and all my right title and interest in the bridge connecting said Island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said John Pierce and Hellen A. Pierce, wife of the said John Pierce, in testimony of her relinquishment of her right of Dower in the above-described premises have hereunto set our hands and seals this eighth day of October in the year of our Lord one thousand eight hundred and sixty six.

John Pierce [seal]  
Hellen A. Pierce [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

Personally appeared John Pierce and Hellen A. Pierce and acknowledged the  
above instrument to be their free act and deed

Before me -Francis Bacon *Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 36

FROM THOMAS A. STERLING TO THE UNITED STATES  
OCTOBER 6, 1866  
SEAVEYS ISLAND

Know all Men by these Presents, that I Thomas A. Sterling of Kittery in the County of York & State of Maine In consideration of twenty eight hundred and thirty five dollars & sixty cents paid by Augustus H. Gilman, Agent for the United States of America the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island, called Seavey's island in the Piscataqua river, within said town of Kittery, and all the right title and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance, lot numbered "Twenty Five" (25) as delineated on a plan of said island, made by B. F. Chandler, Esq. Civil Engineer of the Kittery Naval Yard, and recorded in the Registry of Deeds for said county of York, Plan Book No 1, page 69, together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lots, and my right of passage in the road crossing said island, and all my right of title and interest in the bridge connecting said island, with the Navy Yard.

To have and to hold, the same with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Thomas A. Sterling and Sarah A. Sterling, wife of the said Thomas A. Sterling in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this sixth day of October in the year of our Lord one thousand eight hundred and sixty six.

Thomas A. Sterling [seal]  
Sarah A. Sterling [seal]



Signed, Sealed and Delivered  
in presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 6, 1866, Personally appeared Thomas Sterling and Sarah A. Sterling and  
acknowledged the above instrument to be their free act and deed.

Before me, Francis Bacon *Justice of the Peace.*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 37

FROM HORATIO & CHARLOTTE M. BRIDGE TO THE UNITED STATES  
OCTOBER 4, 1866  
SEAVEYS ISLAND

Know all Men by these Presents, that We Horatio Bridge and Charlotte M. Bridge his wife, (in her own right) of Washington in the District of Columbia In consideration of seventeen thousand nine hundred and fifty nine dollars paid by Augustus H. Gilman, Agent for the United States of America the receipt whereof We do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by us or either of us, situated on an island called Seaveys Island in the Piscataqua river, within the town of Kittery in the State of Maine, and all the right, title and interest, which we or either of us, have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder, dower or curtesy, and however we may have acquired the same, whether by purchase, gift, devise, descent, occupation, or by operation of law. Intending especially to include in this conveyance, lot numbered "Two" (2) as delineated on a plan of said island, made by B. F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for the county of York. Plan Book No 1, page 69. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lot, and our right of passage in the road crossing said island as well as the reversion thereof, and all our right, title and interest in and to the bridge connecting the said island with the said Navy Yard. Reserving the right to occupy the premises and retain possession thereof, until the first day of February A. D. 1867.

To have and to hold, the same with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And We do covenant with the said United States of America and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances; that We have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that we and our heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Horatio Bridge and Charlotte M. Bridge have hereunto set our hands and seals this fourth day of October in the year of our Lord one thousand eight hundred and sixty six.

Horatio Bridge [seal]  
Charlotte M. Bridge [seal]



Signed, Sealed and Delivered  
in the presence of

Francis Bacon  
John H. Cheever

STATE OF MAINE. York, ss.

October 4, 1866 Personally appeared Horatio Bridge and Charlotte M. Bridge  
and acknowledged the above instrument to be their free act and deed.

Before me, Francis Bacon

*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 38

FROM CHARLES A. NEAL TO THE UNITED STATES  
OCTOBER 6, 1866  
SEAVEYS ISLAND

Know all Men by these Presents, that I Charles A. Neal of Kittery in the county of York & State of Maine In consideration of three thousand four hundred and two dollars & seventy two cents paid by Augustus H. Gilman, Agent for the United States of America the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river, within said town of Kittery, and all the right, title and interest, which I have in and to said island, any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance lots numbered "Five" (5) and "Twenty Seven" (27) as delineated on a plan of said island, made by B. F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said County of York. Plan Book No 1. Page 69. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to the said lots, and my right of passage in the road crossing said island as well as the reversion thereof, and all my right title and interest in the bridge, connecting said island with said Navy Yard, and all burial places and rights of burial on said island which may have been reserved to me or my heirs, and which may in any way accrue to me or them.

To have and to hold, the same with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United State of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Charles A. Neal and Ann S. Neal, wife of the said Charles A. Neal, in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this sixth day of October in the year of our Lord one thousand eight hundred and sixty six.

Charles A. Neal [seal]  
Ann S. Neal [seal]



Signed, Sealed and Delivered  
in presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 8, 1866, Personally appeared Charles A. Neal and acknowledged the  
above instrument to be his free act and deed.

Before me, Francis Bacon *Justice of the Peace.*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 39

FROM EDWIN S. APPLETON TO THE UNITED STATES  
OCTOBER 6, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Edwin S. Appleton of Kittery in the County of York and State of Maine, in consideration of two thousand seven hundred and forty one dollars and eight cents, paid by Augustus H. Gilman, agent of the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America, and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river, within said town of Kittery, and all the right, title and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation, Intending especially to include in this conveyance lot numbered "Twelve" (12) as delineated on a plan of said Island made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard and recorded in the Registry of Deeds for said county of York, Plan Book No. 1, page 69, together with all rights of wharfage and of landing and all aquatic and riparian rights pertaining to said lot, and my right of passage in the road crossing said island, and all my right title and interest in the bridge, connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Edwin S. Appleton and Frances R. Appleton, wife of the said Edwin S. Appleton, in testimony of her relinquishment of her right of dower in the above-described premises have hereunto set our hands and seals this sixth day of October in the year of our Lord one thousand eight hundred and sixty-six.

Edwin S. Appleton [seal]  
Frances R. Appleton [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 6, 1866, personally appeared Edwin S. Appleton and Frances R. Appleton and acknowledged the above instrument to be their free act and deed. Before me –

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 40

FROM CHARLES A. WALKER TO THE UNITED STATES  
OCTOBER 4, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Charles A. Walker of Kittery in the County of York & State of Maine, in consideration of twenty eight hundred and thirty five dollars and sixty cents, paid by Augustus H. Gilman, Agent of the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey, unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seavey's Island, in the Piscataqua river, within said town of Kittery, and all the right, title and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation, intending especially to include in this conveyance lot numbered "Seventeen" (17) as delineated on a plan of said Island made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard and recorded in the Registry of Deeds for said county. Plan Book No. 1, page 69, together with my right of passage in the road crossing said island, and all my right, title and interest in and to the bridge, connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Charles A. Walker and Margaret C. Walker, wife of the said Charles A. Walker, in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this fourth day of October in the year of our Lord one thousand eight hundred and sixty-six.

Charles A. Walker [seal]  
Margaret C. Walker [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 4, 1866, personally appeared Charles A. Walker and Margaret C. Walker  
and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 44

FROM DANIEL TREFETHEN TO THE UNITED STATES  
OCTOBER 16, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Daniel Trefethen of Kittery in the County of York and State of Maine, in consideration of ten thousand and five hundred dollars, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seavey's Island, in the Piscataqua river, within said town of Kittery, and all the right title and interest which I have in and to said island or any portion thereof, whatever said interest may - whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance lots numbered "Nine" (9) and "Twenty One" (21) as delineated on a plan of said island, made by B.F. Chandler, Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69. Together with all rights of wharfage, and of landing, and all aquatic and riparian rights pertaining to the said lots, and my right of passage in the road crossing said island, and all my right title and interest in and to the bridge connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Daniel Trefethen and Abbie R. Trefethen, wife of the said Daniel Trefethen, in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this sixteenth day of October in the year of our Lord one thousand eight hundred and sixty-six.

Daniel Trefethen [seal]  
Abbie R. Trefethen [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 16, 1866, personally appeared Daniel Trefethen and Abbie R. Trefethen  
and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 45

FROM JAMES TREFETHEN TO THE UNITED STATES  
OCTOBER 16, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, James Trefethen of Kittery, in the County of York and State of Maine, in consideration of three thousand seven hundred and eighty dollars and eighty cents, paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings, owned by me, situated and being on an island called Seavey's Island, in the Piscataqua river, within said town of Kittery, and all the right, title and interest which I have in and to the said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation, Intending especially to include in this conveyance, lots numbered "Six" (6) and "Eighteen" (18) as delineated on a plan of said Island, made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to the said lots, and the right of passage in the road crossing said island as well as the reversion thereof, and all my right, title and interest in the bridge connecting said island with the said Navy Yard, and all burial places and rights of burial on said island that may have been reserved to me or my heirs and which may, in any way, accrue to me or them.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said James Trefethen and Eunice Trefethen, wife of the said James Trefethen, in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this sixteenth day of October in the year of our Lord one thousand eight hundred and sixty-six.

James Trefethen [seal]  
Eunice Trefethen [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 16, 1866, personally appeared James Trefethen and Eunice Trefethen and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 46

FROM JOHN C. PRIOR TO THE UNITED STATES  
OCTOBER 17, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that We, John C. Prior of Kittery in the County of York and State of Maine, and Elizabeth C. Prior, wife of the said Prior, in her right in consideration of four thousand dollars, paid by Augustus H. Gilman, agent of the United States of America, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey, unto the said United States of America, and Assigns forever, all lots of land and buildings owned by us, situated and being on an island called Seavey's Island in the Piscataqua river, within said town of Kittery, and all the right, title and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation, Intending especially to include in this conveyance lot numbered "Twenty Three" (23) as delineated on a plan of said Island made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lots, and our right of passage in the road crossing said island, and all our right, title and interest in the bridge, connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereunto belonging to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances; that we have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that we and our heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said John C. Prior and Elizabeth C. Prior, in her own right as aforesaid, and in testimony of her relinquishment of her right of dower in the above-described premises have hereunto set our hands and seals this seventeenth day of October in the year of our Lord one thousand eight hundred and sixty-six.

John C. Prior [seal]  
Elizabeth C.G. Prior [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 17, 1866, personally appeared John C. Prior and Elizabeth C.G. Prior and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 47

FROM THOMAS A. PRIOR, ELBRIDGE PRIOR, MARY FRISBEE, AND SARAH  
STANBURY TO THE UNITED STATES  
OCTOBER 12, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that We, Thomas A. Prior, Elbridge Prior, Mary Frisbee and Sarah Stansbury of Kittery in the County of York and State of Maine, in consideration of seven hundred and sixty six dollars and forty cents paid by Augustus H. Gilman, Agent of the United States of America, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by us or either of us, situated and being on an island called Seaveys Island, in the Piscataqua river, in said Kittery, and all the right, title and interest which we, or either of us have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however we may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending hereby especially to convey all the right, title and interest which we, or either of us have in and to lot numbered "Twenty" (20) as delineated on a plan of said island made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69, said lot having been the homestead of Levi Prior, late of said Kittery deceased and descended to us the said Thomas, Elbridge, Mary and Ellen, children and heirs at law of the said deceased, our proportion thereof being one tenth each, or four tenths in the whole, in common and undivided with the minor children of the said deceased. Also all rights of wharfage and of landing, and all aquatic and riparian rights, pertaining to the said lot and our right of passage in the road crossing said island, and all our right, title and interest in and to the bridge connecting said island with said Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And we do covenant with the said United States of America and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances; that we have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that we and our heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Grantors: and Rebecca F. Prior, wife of the said Elbridge Prior, in testimony of her relinquishment of her right of dower in the



above-described Premises have hereunto set our hands and seals this twelfth day of October in the year of our Lord one thousand eight hundred and sixty-six.

Thomas A. Prior [seal]  
Elbridge Prior [seal]  
Mary Frisbee [seal]  
Sarah E. Stansbury [seal]  
Rebecca F. Prior [seal]

Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 12, 1866, personally appeared Thomas A. Prior, Elbridge Prior, Mary Frisbee and Sarah E. Stansbury and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 48

FROM HENRY HUTCHINGS TO THE UNITED STATES  
OCTOBER 17, 1866  
SEAVEYS ISLAND

Know all Men by these Presents, that I Henry F. Hutchings of Kittery in the county of York & State of Maine In consideration of three thousand two hundred and thirteen dollars & sixty eight cents paid by Augustus H. Gilman, Agent for the United States of America the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seavey's island in the Piscataqua river, within the said town of Kittery, and all the rights, title, and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same whether by purchase, gift, descent, devise, or occupation. Intending especially to include in this conveyance Lot numbered "Eight" (8) as delineated on a plan of said island, made by B.F. Chandler Esquire, Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds, of said County of York. Plan Book No 1, page 69. Together with my right of passage in the road crossing said island, and all my right, title, and interest in the bridge connecting said island with the Navy Yard.

To have and to hold, the same with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Henry F. Hutchings and Pamela A. Hutchings wife of the said Henry F. Hutchings, in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this seventeenth day of October in the year of our Lord one thousand eight hundred and sixty six.

Henry F. Hutchings [seal]  
Pamela A. Hutchings [seal]



Signed, Sealed and Delivered  
in presence of

Francis Bacon

John H. Cheever

STATE OF MAINE, York, ss.

October 17, 1866, Personally appeared Henry F. Hutchings and Pamela A. Hutchings and acknowledged the above instrument to be their free act and deed.

Before me, Francis Bacon

*Justice of the Peace.*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 49

FROM HENRY WISE TO THE UNITED STATES  
OCTOBER 5, 1866  
SEAVEYS ISLAND

Know all Men by these Presents, that We Henry A. Wise and Charlotte B. Wise his wife, (in her own right) of Washington in the District of Columbia In consideration of twelve thousand nine hundred and thirty one paid by Augustus H. Gilman, Agent for the United States of America the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by us or either of us, situated and being on an island called Seavey's Island, in the Piscataqua river within the town of Kittery in the state of Maine, and all the right, title and interest which we, or either of us, have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder, expectancy, dower or curtesy and however we may have acquired the same, whether by purchase, gift, descent, devise, occupation, or by operation of law. Intending especially to include in this conveyance, lot numbered "Eleven" (11) on a plan of said island made by B. F. Chandler, Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for the county of York. Plan Book No 1, page 69. Together with all rights of wharfage, and of landing, and all aquatic and riparian rights, pertaining to the said lot, and our right of passage in the road crossing the said island as well as the reversion thereof, and all our right title, and interest, in the bridge connecting the said island with the said Navy Yard. Reserving however the right to occupy the premises, and retain possession thereof, until the first day of February 1867.

To have and to hold, the same with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And we do covenant with the said United States of America and assigns, that we are lawfully seized in fee of the premises, that they are free of all incumbrances; that we have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that we and our heirs will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Henry A. Wise and Charlotte B. Wise have hereunto set our hands and seals this fifth day of October in the year of our Lord one thousand eight hundred and sixty six.

H.A. Wise U.S.N. [seal]  
Charlotte B. Wise [seal]



Signed, Sealed and Delivered  
in presence of

Francis Bacon  
Witness to H.A. Wise's signature  
H. Brock

State of Maine, York, ss.

October 5, 1866, Personally appeared Charlotte B. Wise and acknowledged the  
above instrument to be her free act and deed.

Before me, Francis Bacon

*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 50

FROM WILLIAM MORSE TO THE UNITED STATES  
OCTOBER 13, 1866  
SEAVEYS ISLAND

Know all Men by these Presents, that I William Morse of Kittery, in the County of York and State of Maine In consideration of three thousand one hundred and nineteen dollars & sixteen cents paid by Augustus H. Gilman, Agent for the United States of America the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river, within the said town of Kittery, and all the right, title and interest which I have in and to said island or any portion thereof, whatever said interest may be whether in fee simple, reversion, remainder or expectancy and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance, lot numbered "Twenty Four" (24) as delineated on a plan of said island made by B. F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county. Plan Book No 1, page 69, together with my right of passage in the road crossing said island as well as the reversion thereof, and all my right, title and interest in and to the bridge connecting said island with the Navy Yard, and all rights of way and other easements which I now enjoy, and to which I am entitled on said island.

To have and to hold, the same with all the privilege and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said William Morse and Emily I. Morse, wife of the said William Morse, in testimony of her relinquishment of her right of dower in the above-described Premises have hereunto set our hands and seals this thirteenth day of October in the year of our Lord one thousand eight hundred and sixty six.

William Morse [seal]  
Emily I. Morse [seal]



Signed, Sealed and Delivered  
in presence of

Francis Bacon  
John H. Cheever  
To W.M.  
Seth Sterling

STATE OF MAINE, York, ss.

October 13<sup>th</sup> 1866, Personally appeared William Morse and Emily I. Morse and  
acknowledged the above instrument to be their free act and deed.

Before me, Francis Bacon

*Justice of the Peace.*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 55

FROM THOMAS H. ABRAMS TO THE UNITED STATES  
OCTOBER 23, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Thomas H. Abrams of Kittery in the county of York & State of Maine, in consideration of six thousand and eleven dollars & fifty eight cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river, within said town of Kittery and all the right, title and interest which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance, lot numbered "Three" (3) as delineated on a plan of said island made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69. Together with all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lots, and my right of passage in the road crossing said island, as well as the reversion thereof, and all my right title and interest in the bridge connecting said island with said Navy Yard, and all burial places and rights of burial in said island, which may have been reserved to me or my heirs, and which may in any way accrue to me or them.

To have and to hold the same, with all the privileges and appurtenances thereunto belonging to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America heirs and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Thomas H. Abrams, and Martha Abrams, wife of the said Thomas H. Abrams, in testimony of her relinquishment of her right of dower in the above-described Premises, have hereunto set our hands and seals this twenty third day of October in the year of our Lord one thousand eight hundred and sixty-six.

Thomas H. Abrams [seal]  
Martha Abrams [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 5, 1866, personally appeared Thomas H. Abrams and Martha Abrams  
and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 56

FROM SETH STERLING TO THE UNITED STATES  
OCTOBER 23, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Seth Sterling of Kittery in the county of York and state of Maine, in consideration of two thousand eight hundred & thirty five dollars & sixty cents, paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island in Piscataqua river, within said town of Kittery, and all the right, title and interest, which I have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance, lot numbered "Fifteen" (15) as delineated on a plan of said island made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county of York. Plan Book No. 1, page 69, together with my right of passage in the road crossing said island, as well as the reversion thereof, and all my right title and interest in and to the bridge connecting said island with the Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said Seth Sterling and Mary A. Sterling, wife of the said Seth Sterling in testimony of her relinquishment of her right of dower in the above-described Premises, have hereunto set our hands and seals this twenty third day of October in the year of our Lord one thousand eight hundred and sixty-six.

Seth Sterling [seal]  
Mary A. Sterling [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 23, 1866, personally appeared Seth Sterling and Mary A. Sterling and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 300, PAGE 57

FROM WILLIAM TARLTON TO THE UNITED STATES  
OCTOBER 27, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, William Tarlton of Kittery, in the County of York & State of Maine, in consideration of three thousand two hundred and thirteen dollars & sixty eight cents, paid by Augustus H. Gilman, Agent of the United States of America, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey, unto the said United States of America, and Assigns forever, all lots of land and buildings owned by me, situated and being on an island called Seaveys Island, in the Piscataqua river within said town of Kittery, and all the right, title, and interest which I have, in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder or expectancy, and however I may have acquired the same, whether by purchase, gift, descent, devise or occupation. Intending especially to include in this conveyance lot numbered "Nineteen" (19) as delineated on a plan of the said island made by B.F. Chandler Esq. Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of deeds for said County. Plan Book No. 1, page 69. Together with all rights of wharfage, and of landing and all aquatic and riparian rights pertaining to the said lot, and my right of passage in the road crossing said island as well as the reversion thereof, and all my right, title and interest in and to the bridge connecting said island, with the said Navy Yard.

To have and to hold the same, with all the privileges and appurtenances thereof to the said United States of America and assigns, to their use and behoof forever. And I do covenant with the said United States of America and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said United States of America to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said United States of America and assigns forever, against the lawful claims and demands of all persons.

In witness whereof we, the said William Tarlton and Mary Tarlton, wife of the said William Tarlton, in testimony of her relinquishment of her right of dower in the above-described Premises, have hereunto set our hands and seals this twenty seventh day of October in the year of our Lord one thousand eight hundred and sixty-six.

William Tarlton [seal]  
Mary Tarlton [seal]



Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 27, 1866, personally appeared William Tarlton and Mary Tarlton and  
acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 301, PAGE 15

FROM SARAH PRIOR TO THE UNITED STATES  
OCTOBER 12, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Sarah Prior, guardian of William W. Prior, Martha Prior, Levi W. Prior, Walter H. Prior, Eva H. Prior, and Winfield S. Prior, minors and children of Levi Prior, late of Kittery, in the county of York, State of Maine, deceased, having obtained license from the honorable Edward E. Bourne, Judge of Probate for said county, at a court held at Alfred within and for said county, June 5, 1866, to sell and convey the real estate of the said minors at public auction or private sale did on the twelfth day of October, A.D. 1866, pursuant to the license aforesaid, sell at private sale to the United States of America the estate hereinafter described for the sum of eleven hundred and forty-nine dollars and sixty cents viz:

All the right, title, and interest of the said minors in and to the homestead lot and buildings of the said Levi Prior, deceased, situated on Seavey's Island, in Piscataqua River, in Kittery aforesaid, and bounded by lands of James Trefethen, William Tarlton, Daniel Trefethen, and by said river, being lot numbered "Twenty" (20), as delineated on a plan of said island, made by B.F. Chandler, Esq., Civil Engineer of the Kittery Navy Yard, and recorded in York Registry of Deeds Plan Book No. 1, page 69.

Together with the reversion of the widows dower in said lot and buildings, said minors proportion of the premises being one-tenth each, or six-tenths in the whole, in common and undivided with the other children of the said deceased. Also all rights of wharfage and of landing, and all aquatic and riparian rights pertaining to said lot, and all the right, title, and interest of said minors in and to the bridge connecting said island with the Kittery Navy Yard.

Therefore I, the said Sarah Prior, by virtue of the power and authority with which I am as aforesaid vested, and in consideration of the aforesaid sum of eleven hundred and forth-nine dollars and sixty cents, to me paid by Augustus H. Gilman, Agent of the United States of America, the receipt whereof I do hereby acknowledge, have given, granted, and sold, and by these presents do give, grant, sell, and convey to the said United States of America, and assigns forever, the above-described premises, with all the privileges and appurtenances to the same belonging.

To have and to hold the same in manner aforesaid to the said United States of America and assigns forever. And I, the said Sarah Prior, in my said capacity, do covenant to and with the said United States of America and assigns, that I have in all things observed the rules and directions of the law in selling said estate, and have good right and lawful authority to sell and convey the same in manner as aforesaid.



In witness whereof I have hereunto set my hand and seal in my said capacity, this twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-six.

Sarah Prior [seal]

Signed, sealed, and delivered  
in the presence of

Francis Bacon  
John H. Cheever

State of Maine, York, ss.

October 12, 1866, personally appeared the above-named Sarah Prior, and acknowledged the above instrument to be her free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 301, PAGE 31

FROM MARK WENTWORTH TO THE UNITED STATES  
OCTOBER 24, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that I, Mark F. Wentworth, guardian of Sarah F. Neale, a minor and heir at law of Samuel Odiorne, late of Kittery, in the county of York and State of Maine, deceased, having obtained license from the Honorable Edward E. Bourne, Judge of Probate for said county of York, at a Court held at Limerick within and for said county on the fourth day of September, A.D. 1866, to sell and convey the real estate of the said minor at public auction or private sale, did on the twenty fourth day of October, A.D. 1866, pursuant to the license aforesaid, sell at private sale to the said United States of America the estate hereafter described for the sum of four hundred and thirty-three dollars viz: All the right, title, and interest of the said Sarah F. Neale in and to a certain island, called Seaveys Island, and especially in and to a certain island called Seavey's Island and especially to the lot of land and buildings of which the said Samuel Odiorne died seized and possessed, being lot numbered "twenty-six" (26) on a plan of said island, made by B.F. Chandler, Esq., Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said County, Plan Book No. 1, page 69.

Also the right of wharfage and of land, and all aquatic and riparian rights pertaining to the said lot, and all the right, title, and interest of said minor in and to the bridge connecting said island with the Navy Yard. The interest of said minor in the premises being one undivided third in remainder after the termination of the life estate of the widow of the said deceased.

Therefore I, the said Mark F. Wentworth, by virtue of the power and authority with which I am as aforesaid vested and in consideration of the aforesaid sum of four hundred and thirty-three dollars to me paid by Augustus H. Gilman, Agent for the United States of America, the receipt whereof I do hereby acknowledge, have given, granted, and sold, and by these presents do give, grant, sell, and convey to the said United States of America and assigns forever, the above described premises, with all the privileges and appurtenances to the same belonging.

To have and to hold the same in manner as aforesaid, to the said United States of America and assigns forever, and I, the said Mark F. Wentworth, in my said capacity, do covenant to and with the said United States of America and assigns that I have in all things observed the rules and directions of the law in selling said estate and have good right and lawful authority to sell and convey the same in manner as aforesaid.



In witness whereof I hereunto set my hand and seal in my said capacity, this twenty fourth day of October, in the year of our Lord one thousand eight hundred and sixty-six.

M.F. Wentworth [seal]

Signed, sealed, and delivered  
in the presence of

Francis Bacon

State of Maine, York, ss.

October 24, 1866, personally appeared the above-named Mark F. Wentworth, and acknowledged the above instrument to be his free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 301, PAGE 60

FROM CHARLES ODIORNE TO THE UNITED STATES  
OCTOBER 24, 1866  
SEAVEYS ISLAND

KNOW ALL MEN BY THESE PRESENTS that we, Charles B. Odiorne, of Rye, Woodbury Gerrish and Ellen T. Gerrish, his wife in her right, of Portsmouth and Lucy M. Odiorne of Greenland, all in the State of New Hampshire, in consideration of twenty-two hundred and seventy-five dollars and ninety-five cents paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell, and convey, and forever quitclaim unto the said United States of America and assigns forever all lots of land and buildings owned by us or either of us situated and being on an island called Seavey's Island, in the Piscataqua River, within the town of Kittery, in the State of Maine, and all the right, title, and interest which we, or either of us, have in and to said island or any portion thereof, whatever said interest may be, whether in fee simple, reversion, remainder, expectancy, dower, or curtesy, or other life estate, and however we may have acquired the same, whether by purchase, gift, descent, devise, or occupation, intending especially hereby to convey all the right, title, and interest which we, or either of us, have in and to lot numbered "twenty-six" (26), as delineated on a plan of said island made by B.F. Chandler, Esq., Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for the County of York, Plan Book No. 1, page 69, which lot with the buildings thereon was by the last will of Samuel Odiorne, deceased, devised to the said Lucy M. Odiorne, his wife, for life, with remainder over to the brother and sisters of the said deceased, the said Charles B. Odiorne and Ellen T. Gerrish being his brother and sister, and their interest in the premises being one-third each in remainder after the termination of the life estate of the said Lucy M. Odiorne, and we also release and quitclaim to the United States all right of wharfage and landing and all aquatic and riparian rights pertaining to said lot, and all our right, title, and interest in the bridge connecting said island with the Navy Yard.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said United States of America and assigns forever; and we do covenant with the said United States of America and assigns, that we will warrant and forever defend the premises to the said United States of America and assigns forever against the lawful claims and demands of all persons claiming by, through, or under us.

In witness whereof we, the said Charles B. Odiorne, Woodbury Gerrish, Ellen T. Gerrish, and Lucy M. Odiorne, and Mary S. Odiorne, wife of the said Charles B. Odiorne, in testimony of her relinquishment of her right of dower in the premises, have



hereunto set our hands and seals this twenty fourth day of October, in the year of our Lord one thousand eight hundred and sixty-six.

Charles B. Odiorne [seal]  
Lucy M. Odiorne [seal]  
Woodbury Gerrish [seal]  
Ellen T. Gerrish [seal]  
Mary S. Odiorne [seal]

Signed, sealed, and delivered  
in the presence of

M.F. Wentworth  
Francis Bacon

State of Maine, York, ss.

October 24, 1866, personally appeared Charles B. Odiorne, Woodbury Gerrish, Ellen T. Gerrish, Lucy M. Odiorne, and Mary S. Odiorne, and acknowledged the above instrument to be their free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*



YORK REGISTRY OF DEEDS  
BOOK 301, PAGE 70

FROM SCHOOL DISTRICT NO. 8 TO THE UNITED STATES  
NOVEMBER 3, 1866  
SEAVEYS ISLAND

Know all men by these presents that the inhabitants of School District number eight, in the town of Kittery, in the county of York, and State of Maine, in consideration of one dollar, paid by Augustus H. Gilman, agent for the United States of America, the receipt whereof they do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said United States of America and assigns forever a lot of land, and the building or schoolhouse thereon, situated and being on an island called Seavey's Island, in the Piscataqua River, within the said town of Kittery, being lot numbered "Sixteen" (16), as delineated on a plan of said island, made by B.F. Chandler, Esq., Civil Engineer of the Kittery Navy Yard, and recorded in the Registry of Deeds for said county, Plan Book No. 1, page 69, and being the same lot that Cushman Prior conveyed to said School District by deed recorded in said Registry Book 270, page 64, together with the reversionary interest of the said School District (if any) in the road crossing said island,

To have and to hold the same, with all the privileges and appurtenances thereof, to the said United States of America and assigns, to their use and behoof forever.

In witness whereof, the said inhabitants, by the hand of Daniel J. Prior, agent for said District, hereunto duly authorized by a vote of the inhabitants of said school district No. 8, at a meeting legally holden for that purpose, have hereunto set their seal, and the said agent, duly authorized by a vote as aforesaid, has hereunto set his hand, this third day of November, in the year of our Lord one thousand eight hundred and sixty-six.

Daniel J. Prior [seal]  
*School Agent*

Signed, sealed, and delivered  
in the presence of

Francis Bacon

State of Maine, York, ss.

November 3, 1866, personally appeared Daniel J. Prior, and acknowledged the above instrument to be his free act and deed. Before me -

FRANCIS BACON  
*Justice of the Peace*







YORK REGISTRY OF DEEDS  
BOOK I, PART I, FOLIO 16

FROM RICHARD VINES TO FURNELL  
MAY 3, 1645  
SEAVEY ISLAND AND DENNETT'S ISLAND

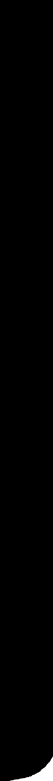
These Presents witness that I Richard Vines Steward General of the Province of Mayne have given & granted unto Tho: Furnell the Sonn of Renald Furnell of Piscataqua River Chieurgion for & in the Behalfe of Sir Fardinando Gorges Kñt L: & Proprietor of the s<sup>d</sup> Province of Mayne Two Islands lying & being on the North East Side of Pischataqua River afores<sup>d</sup> comonly called or known by the name of Puddingtons Islands the s<sup>d</sup> Thomas Furnell yielding & paying unto the s<sup>d</sup> Sr Fardin: Gorges his Heirs or Assigns Two Shillings & Six Pence Yearly Given under my Hand this Third Day of May 1645.

Rich: Vines

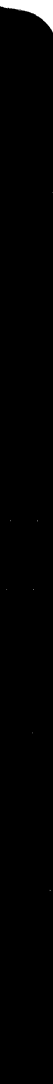
This Deed I know & acknowledge to be M<sup>r</sup> Richard Vines his Act & Deed written with his own Hand p me Edw: Godfrey Govern<sup>r</sup>. Recorded this 16 Octob<sup>r</sup> 1651. p Ed: Rishworth Record<sup>r</sup>







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## MAINE HOUSE OF REPRESENTATIVES

## DISTRICT 1

AS ESTABLISHED PURSUANT TO THE FINAL ORDER  
OF THE SUPREME JUDICIAL COURT, JUNE 29, 1993

**DISTRICT CONSISTS OF:** In York County, that portion of the municipality of Kittery north and east of a line described as follows: Beginning at the Kittery River at the point where the river is crossed by the United States Highway 1 Bypass; then northeast on U.S. Highway 1 Bypass to the point where it intersects with Chickering Creek; then northwest along Chickering Creek to the point where Chickering Creek intersects with Manson Road; then northwest on Manson Road to Dana Avenue; then southwest on Dana Avenue to State Highway 6; then northwest on State Highway 236 to Fernald Road; and then north on Fernald Road to the Kittery-Eliot boundary.



HOUSE  
DISTRICT  
# 7

HOUSE DISTRICT  
# 3

HOUSE DISTRICT  
# 2

GENERAL I  
YORK  
M/  
PREPA  
STATE  
DEPARTMENT C  
BUREAU  
IN COOPER  
U.S. DEPARTMENT  
FEDERAL HIGH

HOUSE DISTRICT  
# 1







VF  
B



PROGRAM OF EVENTS

OPENING OF THE NEW PISCATAQUA RIVER BRIDGE  
AND THE MAINE AND NEW HAMPSHIRE APPROACHES

PORTSMOUTH, NEW HAMPSHIRE AND KITTERY, MAINE



November 1, 1972

OPEN HOUSE

Beginning at 9 o'clock and ending at 11:30 a.m.

Coffee and doughnuts served at the Maine portal of the new Piscataqua River Bridge.

Guided bus tours of the new bridge and the Maine and N. H. approaches. Buses will leave the Maine portal at one-half hour intervals. Highway engineers will familiarize the public with the new roadway and interchange facilities in both States.

During Open House, guests will be given a final opportunity to inspect the new Piscataqua River Bridge on periodic foot tours with Maine and New Hampshire construction engineers as tour guides.

Press tour of the new facilities for members of the New England States news media beginning at 10:30 A.M.

DEDICATION CEREMONIES

Wednesday, November 1, 1972 at 1:00 P.M.

DIRECTORS OF CEREMONIES

David H. Stevens, Commissioner  
Maine Department of Transportation

Robert H. Whitaker, Commissioner  
New Hampshire Dept. of Public Works & Highways

1:00 P.M.

BAND CONCERT

Kittery School Band  
Mrs. Joanne Reams, Director

Portsmouth Senior High School Band  
Mr. William Elwell, Director

1:30 P.M.

NATIONAL ANTHEM

Portsmouth Senior High School Band  
Mr. William Elwell, Director

INVOCATION

Rev. Clifton J. Wood  
St. Mark's United Methodist Church  
Kittery, Maine

GREETINGS

Mr. Manuel Sousa  
Chairman, Kittery Town Council

GREETINGS

Honorable Arthur F. Brady, Jr.  
Mayor, City of Portsmouth

ME 000378

INTRODUCTION OF DISTINGUISHED GUESTS

REMARKS

John A. Volpe, Secretary  
U.S. Department of Transportation

REMARKS

Ralph R. Bartelsmeyer, Acting Administrator  
Federal Highway Administration

REMARKS

Governor Kenneth M. Curtis  
State of Maine

REMARKS

Governor Walter Peterson  
State of New Hampshire

BENEDICTION

Father Joseph E. Shields  
Pastor, St. Catherine's Church  
Portsmouth, New Hampshire

RIBBON CUTTING CEREMONY

TWO MOTORCADES WILL DRIVE NEW HIGHWAY ..... ALL INVITED TO JOIN



## ENTRANCE SITES FOR CEREMONIES

1. PORTSMOUTH - The only access in New Hampshire to the Piscataqua River Bridge dedication site will be from the Portsmouth traffic circle. Guests will travel south from the circle a short distance and take the northbound "on" ramp.
2. KITTERY - The accesses in Maine to the Piscataqua River Bridge dedication ceremonies will be from the southbound "on" ramp from the Maine Route 236 Interchange and at the southbound "on" ramp from Dennett Road.

FOLLOW HIGHWAY DEDICATION SIGN ARROWS to temporary parking facilities on the new bridge.







REPORT OF THE ATTORNEY GENERAL  
TO THE GENERAL COURT

MAINE INCOME TAX  
SCHEME FOR NONRESIDENTS

STEPHEN E. MERRILL  
ATTORNEY GENERAL  
208 STATE HOUSE ANNEX  
CONCORD, NEW HAMPSHIRE 03301  
603-271-3655



Report of the Attorney General  
to the General Court

Maine Income Tax  
Scheme for Nonresidents

In accordance with a request by the General Court that the Attorney General investigate the constitutionality of recent income tax legislation enacted in the State of Maine affecting New Hampshire residents and report his findings to the General Court, the Attorney General hereby submits his report and recommendations to the General Court for its consideration.

BACKGROUND

On April 25, 1986, Governor Brennan of the State of Maine approved P.L. 1986, Chapter 783, amending the Maine Personal Income Tax statutes. See 36 M.R.S.A. §§5111 et seq. Prior to approval of chapter 783, Maine imposed a graduated income tax upon that part of a nonresident's federal adjusted gross income derived from sources within Maine. 36 M.R.S.A. §5140

(repealed). Generally speaking, Maine permitted nonresidents —to take a percentage of the deductions and personal exemptions available to resident taxpayers based upon the percentage of total income derived from Maine sources. For example, if 75% of a nonresident's income was derived from Maine sources, then the nonresident would be able to take 75% of the deductions and exemptions that he would receive if he were a Maine resident. 36 M.R.S.A. §§5144-A, 5145 (repealed).

As anticipated by this office, the practice of prorating deductions and exemptions was upheld by the courts against



they have the same total income." Id. at 225. (emphasis added). The Court anticipated the situation presented by chapter 783 by noting that under Maine's former tax, "every New Hampshire resident whose income is partly earned in Maine and partly in New Hampshire will incur a lower effective tax rate on his total income than the similarly situated Maine resident."<sup>8</sup> Id. (emphasis added and deleted). Accord Davis v. Franchise Tax Board, 71 Cal.App.3d 998, 139 Cal. Rptr. 797 (Cal.App. 1977), appeal dismissed 434 U.S. 1055 (California chooses to ignore out-of-state income in determining a nonresident's tax bracket. Thus, nonresidents receive the benefit of a tax benefit which is not proportional to total ability to pay. Court states that California's choice is not constitutionally compelled).

Most of the unfairness perceived by New Hampshire residents in Maine's new tax scheme stems from the fact that many New Hampshire residents who work in Maine (for example, at the Portsmouth Naval Shipyard) receive very few benefits from Maine in return for their tax dollars. One of the conceptual predicates for state tax jurisdiction is the provision of

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<sup>8</sup> Indeed, it is quite possible that this comment by the Maine Supreme Judicial Court was the inspiration for the enactment of the amendments to the Maine income tax. Likewise, it is plain that these amendments to the Maine income tax are directed principally, if not exclusively, at New Hampshire citizens. Following closely the unsuccessful challenge in the Barney case, if there is a motive for this change in the Maine tax law other than retaliation, it is not readily apparent. At least some voices in Maine appear to agree with the conclusion that the amendments were blatantly retaliatory. See Maine Sunday Telegraph Editorial, dated May 11, 1986, attached hereto.







**H.R. 1953—CONCERNING STATE TAXATION OF  
INDIVIDUALS WORKING AT CERTAIN FEDERAL  
FACILITIES STRADDLING STATE BORDERS**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE**  
ONE HUNDRED FIFTH CONGRESS  
FIRST SESSION

ON

**H.R. 1953**

TO CLARIFY STATE AUTHORITY TO TAX COMPENSATION PAID TO  
CERTAIN EMPLOYEES

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OCTOBER 24, 1997

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Printed for the use of the Committee on Governmental Affairs



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**TESTIMONY OF PHILIP T. McLAUGHLIN,<sup>1</sup> ATTORNEY  
GENERAL, STATE OF NEW HAMPSHIRE**

Mr. McLAUGHLIN. Thank you, Senator. I was nominated by Governor Shaheen in April of this year and was sworn in on May 19, 1997, and from the beginning of my time in office the governor has urged me to pursue settlement of the longstanding boundary dispute between New Hampshire and Maine. She has asked me specifically to accept her invitation to represent her before the Committee today and to strongly urge you to adopt Senator Smith's and Senator Gregg's amendment to H.R. 1953.

I understand, Mr. Chairman, that this Committee has no intention of becoming embroiled in the longstanding dispute between Maine and New Hampshire, two States which, as my counterpart will tell you, generally enjoy cooperative relations. You must decide with respect to all of the jurisdictions covered by H.R. 1953 whether it is fair for the Federal Government to require citizens of one State to pay taxes to a neighboring State when their only nexus with the neighboring State is the fact that they work in Federal enclaves straddling the border between their own State and the neighboring State.

My role today, therefore, is not to convince you that the Portsmouth, New Hampshire, Naval Shipyard is, in fact, located in Portsmouth, New Hampshire. My role is to let you know that there is a bona fide dispute between New Hampshire and Maine over the location of the boundary and to let you know that the case against taxation by Maine of the New Hampshire citizens who work at Portsmouth is even more compelling than the case against taxation in the other three cases covered by H.R. 1953.

The first of the two tasks I have been assigned is simple. The presence here today of the attorneys general of both States speaks volume for the existence of a dispute. Senator Thompson, I think if I continue to read my prepared statement, I am going to miss an opportunity which is only going to come along once for me to try to really express to you on behalf of the citizens of my State what is at stake here. So I am going to depart from my written comments. I would like you, if you would, to accept my remarks for the record in full.

Chairman THOMPSON. They will be part of the record.

Mr. McLAUGHLIN. Thank you.

Senator Collins, I know that I am about to hear from my counterpart, Drew Ketterer, that there is no boundary dispute, and I want you to understand that I am not here today posturing that there is. The most compelling evidence that Mr. Ketterer, I believe, will proffer will be an opinion from one of my predecessors, a former judge in the State of New Hampshire, Judge Pappagianis.<sup>1</sup>

Judge Pappagianis issued an opinion, I believe, in 1969 and I will candidly tell you that when I looked at the opinion upon coming to office, I asked essentially the same question that you might ask, and that is what is the dispute, since it would appear that

<sup>1</sup>The prepared statement of Mr. McLaughlin appears in the Appendix on page 132.

<sup>1</sup>The letter from George S. Pappagianis, dated October 15, 1969, submitted by Mr. McLaughlin appears in the Appendix on page 139.



Judge Pappagianis, when attorney general, addressed a part of the issues.

The thing that struck me about the attorney general's letter is that all of them have the flavor of being the word of God. They just look like they are something you can't dispute. But as I get into it, the fact of the matter is that there were three significant problems in the letter, problems that are manifest and that result in the fact that I could not sign that letter again, and they are the following:

One, there is an emphasis on a 1740 act of the king, and the problem is that there was no historical research done at the time which would have revealed. As it subsequently did, that there was a 1770 act of the king which extended the judicial boundaries of the State of New Hampshire to the northern boundary of the Piscataqua River.

Next, there was no analysis at all at the time of what the channel was that people were talking about that divided the two States. And, third, and most problematically, there was no analysis whatsoever of what the New Hampshire side was, in fact, defined by, whether or not it included or did not include Newcastle.

The problem I have in taking the injunction of the legislature to analyze this issue requires me to solve those three problems, and it is exceedingly problematic. I have private counsel and staff at my own office working on it. I can tell you this. It is problematic, it is a legitimate dispute, and it is the position of my State that the legitimacy of that dispute provides all the more reason to address this issue in an equitable way.

Senator Thompson, I heard you set forth the arguments for these other individuals, and in my mind but for the fact that the people of my State have to travel over a bridge, turn right and drive for a minute, the arguments are essentially the same. I appreciate and respect the legal arguments of the professors who were here. I understand their mode of thinking.

But I also understand that some problems are basically intractable and when they get to the point of being able to not make sense to people in terms of the legalisms, that is why we have the Congress of the United States to ask the question what is fundamentally fair. And in a case like this, from my perspective, for the people of my State for whom I appear today, it is fundamentally unfair that those individuals be taxed and that is the essence of the message that I wish to leave with you.

Thank you.

Chairman THOMPSON. Thank you very much.

Mr. Ketterer.

#### **TESTIMONY OF ANDREW KETTERER,<sup>1</sup> ATTORNEY GENERAL, STATE OF MAINE**

Mr. KETTERER. Thank you, Mr. Chairman and Members of the Senate Committee on Governmental Affairs. I am Andrew Ketterer, Attorney General for the State of Maine. I am very pleased to be here today and I thank Senator Collins for her kind introduction. I do feel like I am sitting between the Senator and

<sup>1</sup> The prepared statement of Mr. Ketterer appears in the Appendix on page 145.



the attorney general as a New Hampshire sandwich here, but I am pleased to be here anyway to talk a little bit about H.R. 1953 and any proposed amendment to it.

The amendment, as I understand it, in this case would serve to preclude the State of Maine from taxing citizens who work within its borders and work at the Naval Shipyard. As some of you may know, this issue was previously brought before the Senate in 1991 and at that time it was a substantial defeat for that proposition.

To provide some overview for at least one Senator that I see here who is not from the New England area, the Piscataqua River separates Maine from New Hampshire. In the early 18th century, there was, in fact, a disagreement as to the location of the boundary. In 1740, King George II fixed the boundary as follows, that the dividing line shall pass up through the mouth of the Piscataqua Harbor and up through the middle of the river.

Subsequently, both the Commonwealth of Massachusetts, of which Maine was originally a part, and the State of New Hampshire agreed that that was the boundary. This boundary was reaffirmed by the U.S. Supreme Court in *New Hampshire v. Maine*, which is a 1976 case. In that decree, the Court held, "The terms 'middle of the river' and 'middle of the harbor' as used in a 1740 order mean the middle of the main channel"—that is the m-a-i-n, not M-a-i-n-e—"of navigation of the Piscataqua River and the middle of the main channel of navigation of Gosport Harbor." The shipyard is located on the Maine side of the main navigational channel.

Through the 18th, 19th and the first three-quarters of the 20th century, there has been no dispute regarding the boundary being the middle of the main navigational channel of the river or that the shipyard in question is on several islands on Maine's side of the main navigational channel. The deeds to the United States of America creating the shipyard not only describe the islands as being within the State of Maine, but they are filed for record in York County in the registry of deeds, as they are required to be by law.

Furthermore, by acts of the Maine legislature in 1822 and 1863, Maine ceded jurisdiction over the shipyard to the Federal Government, while retaining concurrent jurisdiction for itself. It should be noted that New Hampshire has not taken similar action.

It is well-established that if this matter were presented to the Supreme Court, which has original jurisdiction over boundary disputes between States, the Court would first determine how the States themselves have, over time, acquiesced in or agreed upon the location of a boundary, and only if there was no such acquiescence would the Court then look at the original intent of colonial grants.

In this matter, it is clear that the State of New Hampshire has acquiesced in and agreed upon the location of the boundary in the middle of the navigational channel. Its own State maps indicate such. I have provided some examples of these maps, including one as recent as 1990 which locates the boundary exactly where the State of Maine says it is.

New Hampshire has never taxed these islands and has never included them within the boundaries of the city of Portsmouth. Peo-



ple on the islands vote in Maine, pay property and income tax in Maine, and are included by the Federal Government on census rolls in Maine. If presented to the Supreme Court of the United States, I am confident the islands would remain where they have always been, in Maine.

The issue as to whether the islands were no longer in Maine was raised by some New Hampshire residents only after Maine instituted a new scheme of income taxation. I would like to bring to this Committee's attention that the particular tax in question has been the subject of three cases in the State of Maine. All three cases dealt with constitutional challenges to the income taxation of New Hampshire residents who work in the shipyard.

In all three decisions, it was noted that the shipyard was located in the State of Maine. In two of the cases, an effort was made to have the Supreme Court of the United States review those decisions. The Supreme Court declined. Of particular note is that in the Stevens case, because the New Hampshire plaintiffs were represented by the New Hampshire attorney general's office, they had the opportunity to make the arguments as to the location of the shipyard. They stipulated that it was in Maine.

This brings me ultimately to the last bit of information I would like to share with the Committee which has been alluded to by my colleague from New Hampshire, a 1969 opinion from the then attorney general of the State of New Hampshire to the then governor and executive council indicating clearly that the subject parcel in question, Seavey Island, upon which the U.S. Navy Yard is located, is territorially within the State of Maine.

In light of the U.S. Supreme Court ruling as to where the line is between the two States, in light of the demonstrated maps put out publicly by either State, department of transportation maps by the States all indicating that the island in question is on the Maine side, in the light of the fact that Maine ceded its jurisdiction to the Federal Government and the U.S. Navy itself locates the shipyard in Kittery, Maine, as well as the fact that at the shipyard they follow Maine rules, Maine statutes, they obtain Maine licenses for air emissions, for hazardous waste storage, oil treatment facilities, biochemical waste, solid waste, and the like—New Hampshire residents and others have to travel on the roads of the State of Maine in order to get to that facility. They use police, fire, rescue and the like, as does the facility itself. Individuals could take a ferry, but there isn't one to take. They could go by helicopter, but that doesn't exist either. The way you get there is through the roads in the State of Maine.

For all of those reasons, I would ask this Committee to distinguish clearly between the facts that are present here and as delineated by the previous witness from the university law school in Georgia, and to conclude that this fact pattern is not the same as the others that were presented. It represents an extension of something that should only take place under rare circumstances. We do not straddle a border, and to be near a border and to straddle it are two very, very different things.

In areas of tax, we do have reciprocity. There are individuals from the Commonwealth of Massachusetts who work at the facility and the State of Maine does offer reciprocity where it applies. For



all of these reasons, I believe the proper forum, if there is a dispute, should be the Supreme Court of the United States. That is what Article III, Section 2, mandates. For all of those reasons, I would ask this Committee to pass out the House bill without amendment.

Thank you.

Chairman THOMPSON. Thank you very much.

Little did I know when I started trying to get a little justice and equity for some Tennesseans that I was going to be asked to settle a boundary line dispute between New Hampshire and Maine. And I appreciate that education for the non-New Englander on the panel here. But I will just say one thing: In Tennessee, we would never let King George settle any boundary line disputes that we might have down there.

Mr. KETTERER. I will try to keep that in mind and bring it back to the governor and the legislature. [Laughter.]

Senator SMITH. Mr. Chairman, I wonder if I might make my opening comments now which I deferred.

Chairman THOMPSON. Yes, sir.

Senator GREGG. Mr. Chairman, I may have to depart at this time, but I certainly appreciate and want to thank you for holding this hearing. Your courtesy to the State of New Hampshire and the State of Maine is very much appreciated.

Chairman THOMPSON. Well, I know you have to be elsewhere, and I appreciate your being here very much. Thank you.

Senator SMITH. Mr. Chairman, you are correct and the witnesses are correct. We are not here to settle the boundary line dispute and I don't want to go back all through that. And I appreciate your time, and obviously if there is a mark on this bill at some future point, these discussions are going to take place again. Obviously, there are only three of us here. So, given all that, I am going to be very brief.

But I just want to call attention to the specific language that was used by Congressman Hyde which is the genesis of the bill in question, the underlying bill, not the amendment that we would offer, in which he said "a Federal facility in a highly unusual geographic location." I think those are the action words.

In some conflict with what you said about the king, let me just refer back—

Chairman THOMPSON. I didn't mean to take sides with that comment, you understand. [Laughter.]

Senator SMITH. Well, we didn't like some of those kings; I don't think any of us did in those days.

But in 1635, King James did issue a charter for New Hampshire and in that charter he said that the boundary of New Hampshire would be the Piscataqua River and all islands in the river. That was the exact language. I have that document here, the charter, in which it specifically says that and I would just, of course, make that a part of the record.<sup>1</sup>

Then, in 1639, King James then issued another charter for Maine and it included no islands in the river and specifically said

<sup>1</sup>The document entitled "A Chronology of Facts Relative to the Location of the Portsmouth Naval Shipyard, Badger's Island, and the NH/Maine Boundary in Portsmouth Harbor," submitted by Senator Smith appears in the Appendix on page 150.







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# FEDERAL OWNED REAL ESTATE

UNDER THE CONTROL OF THE  
NAVY DEPARTMENT

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ISSUED BY THE  
BUREAU OF YARDS AND DOCKS



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28 1942

PAAL & S. S.  
NAVY  
UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1937

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Piscataqua River; thence S. 72°29'10" W. along high-water mark 20 feet then N. 17°30'50" W. 1,904 feet; thence N. 63°55' W. 253.80 feet to the intersection of the southeasterly and southwesterly lines of the said Traipe House lot; thence N. 53°37'10" W. along the said southwesterly line of the Traipe House lot 182.6 feet to the point of beginning.

All courses above described are true courses referred to true meridian base line as established at the United States Navy Yard, Portsmouth, N. H.; the magnetic declination as observed in the vicinity of the described property being 14°37' N. in December 1911.

2. In condemnation proceedings (docket no. 257) brought by the United States to the June term, 1913, United States Court for the District of Maine, against York Harbor & Beach Railroad Co., defendant, title to the following described land was vested in the United States upon payment to the defendant of the sum of \$150,000. To wit:

Beginning at a point at the intersection of the westerly line of the 50-foot right-of-way of the York Harbor & Beach Railroad through that part of the Traipe estate, in the village of Kittery, Maine, known as the point and mean high-water line, according to Government datum plane, in the Back Channel, so-called, of the Piscataqua River; thence along the line of said right-of-way N. 17°30'50" W., 61.91 feet to an angle in said right-of-way; thence along said right-of-way N. 11°37'30" W., 31.81 feet to an angle in said right-of-way; thence N. 7°11'20" W., 13.26 feet to a point in said right-of-way; thence S. 59°14'30" E., 27.91 feet to a point in a line parallel to and 7.5 feet westerly from the center line produced of the railway track as it crosses the railway bridge over said Back Channel; thence S. 18° E. on said parallel line 85.19 feet to the end of said right-of-way at Back Channel; thence S. 71°7'50" W., 24.95 feet to point of beginning.

All courses above described are true courses referred to true meridian base line as established at the United States Navy Yard, Portsmouth, N. H. The magnetic declination as observed in the vicinity of the described property being 14°37' W. in December 1911.

The above-described parcel contains 2,300 square feet, being all of the land belonging to the Boston & Maine Railroad at the southerly end of said right-of-way.

**Revocable Permit.**—By letter dated May 2, 1933, from commandant, Navy Yard, Portsmouth, Mrs. Mae F. Wurm, granted revocable permission to have gateway on Government approach to navy yard. (This is renewal of permit formerly held by John Marshall.)

**Use of railroad property.**—By permit October 1, 1935 (as of Sept. 1, 1935), the Boston & Maine Railroad Co. granted Secretary of Navy permission to construct, maintain, and use roadway on and within land of railroad company situated between Wentworth Street and the bridge leading to the Navy Yard, Portsmouth. (Supplemental agreement of Jan. 17, 1936, modifying method of freight exchange.)

**Jurisdiction.**—See "General session of jurisdiction", supra.

### PORTSMOUTH, N. H., NAVY YARD

**Location.**—Post office, Portsmouth, N. H., but geographically in State of Maine.

**Area.**—210 acres. The area in this navy yard may be classified into three separate divisions, to wit:

(a) Fernald's Island, described in paragraph 1, *infra*, and containing 52 acres.

(b) Seavey's Island, which was conveyed to the United States by various instruments described in paragraphs 2 to 28, inclusive, and containing 105 acres.

(c) Reclaimed area, 53 acres.



Cost of land.—\$110,500.

Historical data.—Charles I, King of England, on April 3, 1639, granted Sir Fernando Gorges "a parte & portion of the countrie of America, nowe commonly called or knowne by the name of New England" and directed that "the portione of the maine land and premises aforesaid shall forever hereafter be called and named the Province or countrie of Maine." (See records of York County, book A.)

Richard Vines was commissioned steward general by the grantee on September 6, 1639. Vines, on behalf of Gorges, on May 3, 1645, granted to Thomas Fumell two islands in the Piscataqua River known then as the Puddington Islands (York County records, book A, p. 16). By various deeds these two islands were, from time to time, conveyed until 1800, when the north island, nearest the mainland, was owned by William Dennet, Jr., and wife, who sold it to the United States on June 12, 1800, as evidenced by deed described in paragraph *infra*. It was upon this island (Dennet's Island) that the Portsmouth Navy Yard was first established.

To the south of Dennet's Island (later known as Fernald's Island), separated by a shallow gut, was Seavey's Island, which was later (in 1866) conveyed to the United States by various instruments hereinafter described:

Shipbuilding was an early industry on the Piscataqua River. In 1690 a 54-gun ship, the *Farkland* (sometimes called *Faulkland*) was built by John Taylor by order of the British Government for the Royal Navy, and it is claimed that this was the first ship of war built on this side of the Atlantic. The *Raleigh*, 32 guns, was the first ship built at Portsmouth for the Continental Navy under act of December 13, 1775.

*Langdon's Island leased by Government.*—All of this early shipbuilding was conducted on what was known as Langdon's Island, which was north of Dennet's Island. From 1783 to 1800 this island (Langdon's) was under lease to the Government and the last ship built there was the *Congress*, authorized by act of Congress approved March 27, 1794, and which was launched on August 15, 1799.

*Navy's first "shipbuilding program."*—Following the creation of the Navy Department by act approved April 30, 1798, and the appointment of a Secretary of the Navy, the importance and necessity for the ownership by the Government of dockyards for the building, equipping, and maintenance of vessels of war was recognized. In a report by the Secretary of the Navy dated April 25, 1800, it was pointed out that the timbers for the 74-gun ships authorized by act of February 25, 1799, had been ordered deposited at Portsmouth, N. H.; Boston, Mass.; New York, N. Y.; Philadelphia, Pa.; Norfolk, Va.; and Washington, D. C.

*Permanent navy yard established at Portsmouth.*—At Portsmouth, the Secretary of the Navy said, the yard of Mr. Langdon, hired for the frigate, might be used for the 74-gun ship, but an island (Fernald's) quite convenient for all purposes of a large establishment, can be procured for \$6,000, and believing it the truest economy to provide at once permanent yards "which shall be public property and always worth to the public the money expended on them," he recommended, among others, "the purchase of a building yard at Portsmouth and to commence it on a scale as if it were meant to be permanent."



Upon a favorable report by Joshua Humphrys, Chief Naval Constructor of the United States and upon the Secretary's recommendation Fernald's Island, owned by William and Sarah Dennet, formerly called Dennet's Island, was purchased for \$5,500. Area at that time 58 acres.

On April 27, 1801, the House Naval Affairs Committee reported that up to March 4, 1801, there had been expended at Portsmouth, N. H., for the purchase of ground, \$5,500; for buildings and improvements, \$14,507, and that they could not find any law authorizing the purchase of any sites for Navy buildings; whereupon \$500,000 was appropriated by act of March 3, 1801 (2 Stat. 123), "for expenses attending six 74-gun ships and for completing navy yards, docks, and wharves."

*Purchase of Seavey's Island.*—Secretary of the Navy Welles in his annual report for 1865 complained that the navy yards then existing were "all of limited area and insufficient for our present Navy." The effect of this was the purchase of Seavey's Island, as shown by instruments described, *infra*. An act approved April 17, 1866 (14 Stat. 35), appropriated \$105,000 for this purpose.

*Title.*—Title to land embraced within Dennet's (or Fernald's) Island conveyed by the following instruments, all of which (except where otherwise noted) are warranty deeds:

1. *Dennet's (or Fernald's) Island.*—From William Dennet and wife, Sarah, dated June 12, 1800, recorded book 65, page 87, consideration \$5,500, conveying whole of island known as "Lay Claim" Island, afterwards Fernald's and now called Dennet's Island, lying in Piscataqua River, in Kittery, York County, Maine, being the same land acquired from James Shenfe by his deed dated September 29, 1794. Area mentioned in deed "50 acres" but present actual area 52 acres.
2. *Seavey's Island.*—From George Preble and wife, Harriet, dated October 1, 1866, recorded book 300, page 30, consideration, \$1,890.40, conveying lot no. 1 on Seavey's Island, as shown by survey of C. E. Chandler, as well as any and all lands and buildings owned by grantor on said island. Area 5.014 acres.
3. From Horatio Bridge and wife, dated October 4, 1866, recorded book 300, page 37, consideration \$17,959, conveying lot no. 2 of same survey. Area, 29.156 acres.
4. From Thomas H. Abrams and wife, dated October 23, 1866, recorded book 300, page 55, consideration \$6,011.48, conveying lot no. 3, same survey. Area, 13.245 acres.
5. From Cushman Prior and wife, dated September 29, 1866, recorded book 300, page 31, consideration \$5,671.20, conveying lots 4 and 10, same survey. Area, 10.015 acres.
6. From Charles A. Neel and wife, dated October 6, 1866, recorded book 300, page 38, consideration \$3,402.72, conveying lots 5 and 27, same survey. Area, 0.096 acres.
7. From James Trefethen, dated October 16, 1866, recorded book 300, page 45, consideration \$3,780.80, conveying lots 6 and 18, same survey. Area, 0.182 acres.
8. From Samuel C. Dixon and wife, dated September 29, 1866, recorded book 300, page 32, consideration \$3,780.80, conveying lot 7, same survey. Area, 0.195 acres.



8. From Henry T. Hutchings and wife, dated October 17, 1866, recorded book 300, page 48, consideration \$3,213.68, conveying lot 8, same survey. Area, 0.169 acres.
10. From Daniel Trefethen and wife, dated October 16, 1866, recorded book 300, page 44, consideration \$10,500, conveying lots 9 and 21, same survey. Area, 4.343 and 2.762 acres, respectively.
11. From Charlotte B. Wise and Henry A. Wise, dated October 5, 1866, recorded book 300, page 49, consideration \$12,931, conveying lot no. 11, same survey. Area, 15.935 acres.
12. From Edwin S. Appleton and wife, dated October 6, 1866, recorded book 300, page 39, consideration \$2,741.80, conveying lot no. 12, same survey. Area, 2.468 acres.
13. From John Pierce and wife, dated October 8, 1866, recorded in book 300, page 35, consideration \$2,835.60, conveying lot no. 13, same survey. Area, 0.309 acres.
14. From Ethan A. Locke and wife, dated October 4, 1866, recorded book 300, page 33, consideration \$3,024.64, conveying lot no. 14, same survey. Area, 0.362 acres.
15. From Seth Sterling and wife, dated October 23, 1866, recorded book 300, page 56, consideration \$2,835.60, conveying lot no. 15, same survey. Area, 0.211 acres.
16. From Daniel J. Prior, on behalf of school, dated November 3, 1866, recorded book 300, page 70, consideration \$1, conveying lot no. 16, same survey. Area, 0.103 acres (without warranty covenants).
17. From Charles A. Walker and wife, dated October 4, 1866, recorded book 300, page 40, consideration \$2,835.60, conveying lot no. 17, containing 0.154 acres.
18. From William Turlton and wife, dated October 27, 1866, recorded book 300, page 57, consideration \$3,213.68, conveying lot no. 18, same survey, containing 0.191 acres.
19. From Thomas A. Prior et al., dated October 12, 1866, recorded book 300, page 47, consideration \$766.40, conveying lot 20, same survey, containing 2.745 acres.
20. From Sarah Prior, guardian for William H. Prior and other heirs of Levi Prior, dated October 12, 1866, recorded in book 301, page 15, consideration \$1,149.60, quitclaiming all interest in lot no. 20, described in paragraph 19 next above.
21. From Sarah Prior, widow of Levi Prior, dated October 12, 1866, recorded book 297, page 537, consideration \$957.41, conveying all interest in lot 20, above survey, described in paragraph 19, supra.
22. From Daniel J. Prior and wife, dated October 5, 1866, recorded book 300, page 34, consideration \$2,835.60, conveying lot 22, above survey, containing 0.491 acre.
23. From John C. Prior and wife, dated October 17, 1866, recorded in book 300, page 40, consideration \$4,000, conveying lot 23, above survey, containing 0.823 acre.
24. From William and Emily Morse, dated October 23, 1866, recorded book 300, page 50, consideration \$3,119.16, conveying lot no. 24, same survey, containing 0.137 acre.
25. From Thomas A. Sterling, dated October 6, 1866, recorded book 300, page 36, consideration \$2,835.60, conveying lot 25, same survey, containing 0.283 acre.



26. From Sarah F. Neale (by her guardian, M. F. Wentworth), dated October 24, 1866, recorded book 301, page 31, consideration \$433, conveying lot 26, same survey, containing 0.175 acre (guardian's deed, without warranty).

27. From Nancy Jenkins, widow, dated August 8, 1866, recorded book 297, 536, consideration \$1, quitclaiming all interest in and buildings on Seavey's Island.

28. From Susan Trefethen, dated August 2, 1866, recorded book 297, page 535, consideration, \$1, quitclaiming all interest in land and buildings on Seavey's Island.

**Survey of Seavey Island.**—Plan of survey of Seavey Island, referred to in paragraph 1, supra, is attached to abstract of title (document no. 30) accompanying title papers in office of Judge Advocate General of the Navy.

**Wharfage and riparian rights acquired.**—All of above instruments conveying land adjacent to water relinquished all rights of wharfage and of landing, and all aquatic and riparian rights, etc., and all conveyances of land traversed by bridge or roadway included rights in bridge and roadway.

**Jurisdiction.**—(Fernald's or Dennet's Island.) An act of the senate and house of representatives of the State of Maine, approved February 2, 1822, provides as follows:

*Be it enacted by the senate and house of representatives in legislature assembled, That there be, and hereby is ceded to the United States the jurisdiction over Dennet's Island (so-called) on the east side of Piscataqua River within the State of Maine, now belonging to the United States and occupied as a navy yard: Provided, however, That this State shall have concurrent jurisdiction with the United States over said island, so far as that all civil and criminal processes issued under the authority of this State may be executed on any part of said island, or in any building erected on the same; and that all persons residing thereon, not being in the military or marine service of the United States, shall be holden to do military duty in the militia of this State, in the same way and manner as if the jurisdiction had not been ceded as aforesaid.*

**Seavey's Island.**—An act of the senate and house of representatives approved January 10, 1863, provides as follows:

**SECTION 1.** \* \* \* Jurisdiction is hereby granted and ceded to the United States of America over such portion of Seavey's Island in the town of Kittery as may be purchased for the purpose of using the same as a part of the navy yard located in that town, and consent is hereby given to the purchase of the same by the United States: *Provided always, That this State shall retain and does retain concurrent jurisdiction with the United States in and over all lands hereby ceded, so far as that all civil and all criminal processes issuing under the authority of this State may be executed on said lands and any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid. And provided, that the exclusive jurisdiction shall revert in the State of Maine whenever the said lands so ceded cease to be used by the United States for the purposes hereinbefore declared.*

**SEC. 2.** This act shall take effect from and after the purchase of any portion of said Seavey Island by the United States, the evidence of such purchase being duly recorded in the registry of deeds for the county of York.

See also act approved March 28, 1903, "General cession of jurisdiction", supra.

### ROCKLAND, MAINE, TRIAL RANGE

This range comprises five separate parcels of land located within the town limits of South Thomaston (although post-office address of station is Rockland) which were acquired by authority of an act of



Congress approved June 24, 1910 (36 Stat. 617), which appropriated for the purchase of land in the vicinity of the naval trial course, Monroe Island, Penobscot Bay, Maine, for the establishment of permanent signals to mark each end of the measured course, \$3,400."

Total area, 51,705 square feet; respective area of each parcel, as follows:

	Square feet
Monroe Island.....	10,000
Sheep Island.....	10,000
Crescent Beach (2 parcels).....	26,080
Post Hill.....	5,625

Title.—1. *Monroe Island*.—Decree of condemnation, dated May 6, 1911, in suit of *United States v. Ellen W. Duryea*, docket no. 161, district of Maine, United States district court; award \$303.33.

2. *Sheep Island*.—Decree of condemnation, dated May 6, 1911, in suit of *United States v. Lewis W. Starrett et al.*, docket no. 162, district of Maine, United States district court; award \$303.33.

3. *Crescent Beach* (first parcel).—Warranty deed from Eugene O'Neil and wife, dated August 30, 1910, recorded book 157, page 175, consideration, \$1,300.

4. *Crescent Beach* (second parcel).—Warranty deed from Augusta C. Mather et al., dated August 25, 1910, recorded book 157, page 174, consideration, \$500.

5. *Post Hill*.—Warranty deed from Grace A. Young and husband dated August 25, 1910, recorded book 157, page 177, consideration, \$300.

Jurisdiction.—See "General cession of jurisdiction", supra.

#### WINTER HARBOR, MAINE, RADIO STATION

Location.—Winter Harbor, Maine.

Area.—25.96 acres.

Authority for acquisition.—Act of Congress, August 24, 1935, authorized the Secretary of Interior to transfer to the Navy Department for naval radio purposes the site of the relocated radio station with the buildings and improvements thereon, and such surrounding area as may be agreed upon by the Secretary of Interior and the Secretary of the Navy.

Transfer to Navy Department.—Pursuant to the above authority, the Secretary of Interior, by letter of November 7, transferred to the Navy Department, the following tract containing 25.96 acres, to wit:

Bounded on the north by a line parallel to and 200 feet northward of a line connecting the northerly corner of the receiving building and the center of the northern radio tower; on the east by a line parallel to and 200 feet eastward of a line connecting the centers of the two radio towers; on the south by a line parallel to and 200 feet southward of a line connecting the center of the south radio tower and the southwestern corner of the radio compass building; on the west by a line parallel to and 200 feet westward of a line connecting the southwestern corner of the radio compass building and the western corner of the receiving building. (Acquired by War Department by purchase Feb. 9, 1929.)





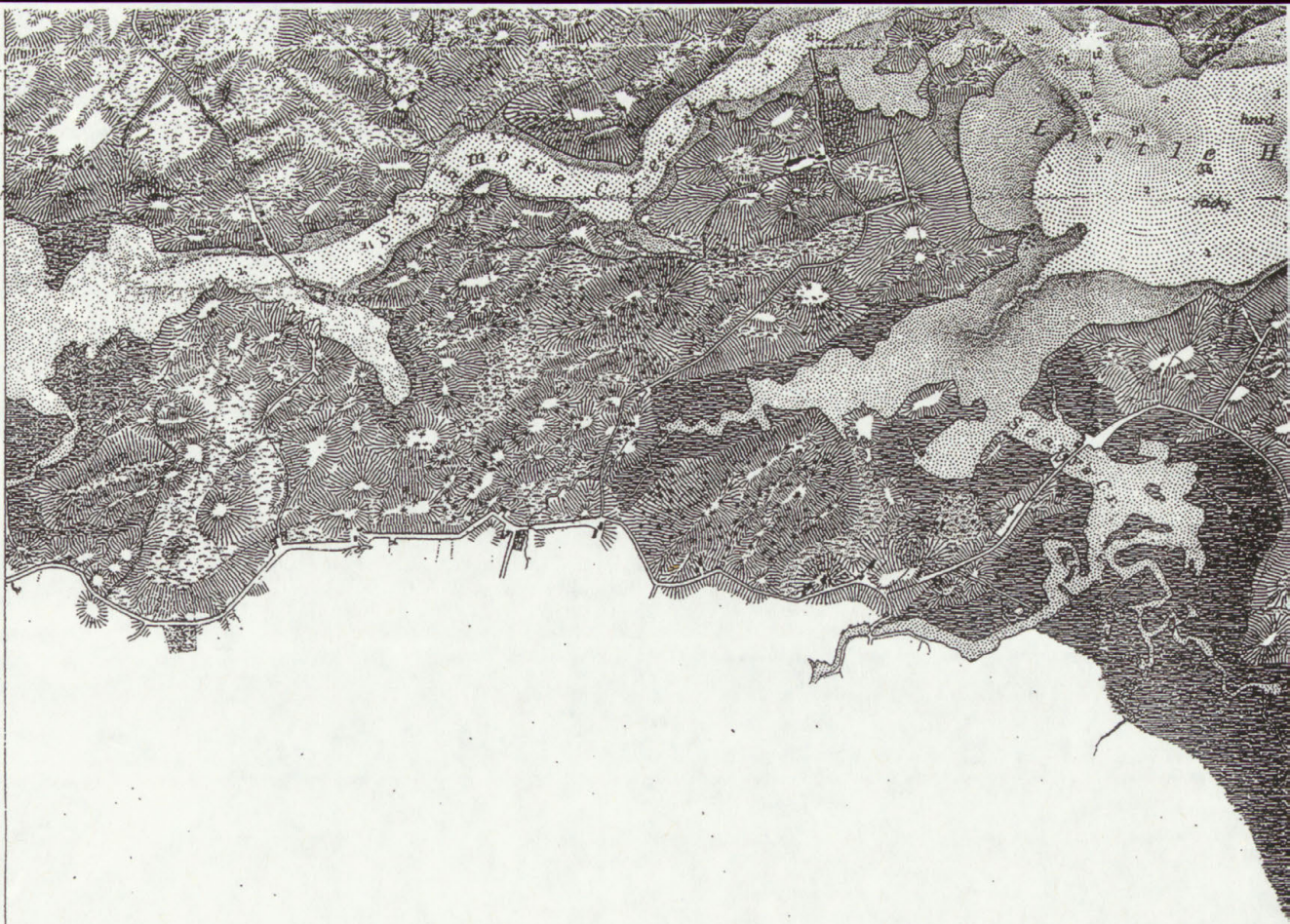


Map of Portsmouth Harbor

Published by the  
United States Coast Survey Office

1866





# PORTSMOUTH HARBOR

## NEW HAMPSHIRE

From a Trigonometrical Survey

under the direction of A.D. BACHE Superintendent of the

SURVEY OF THE COAST OF THE UNITED STATES

Triangulation by Capt. T.J. CRAM U.S. Topl. Engrs. Asst. U.S.C.S.

Topography by Capt. H. STANSBURY U.S. Topl. Engrs.

Hydrography by the Party

under the command of Lieut. Comd'r M. WOODHULL U.S. Navy Assist.

Scale 20,000

1866

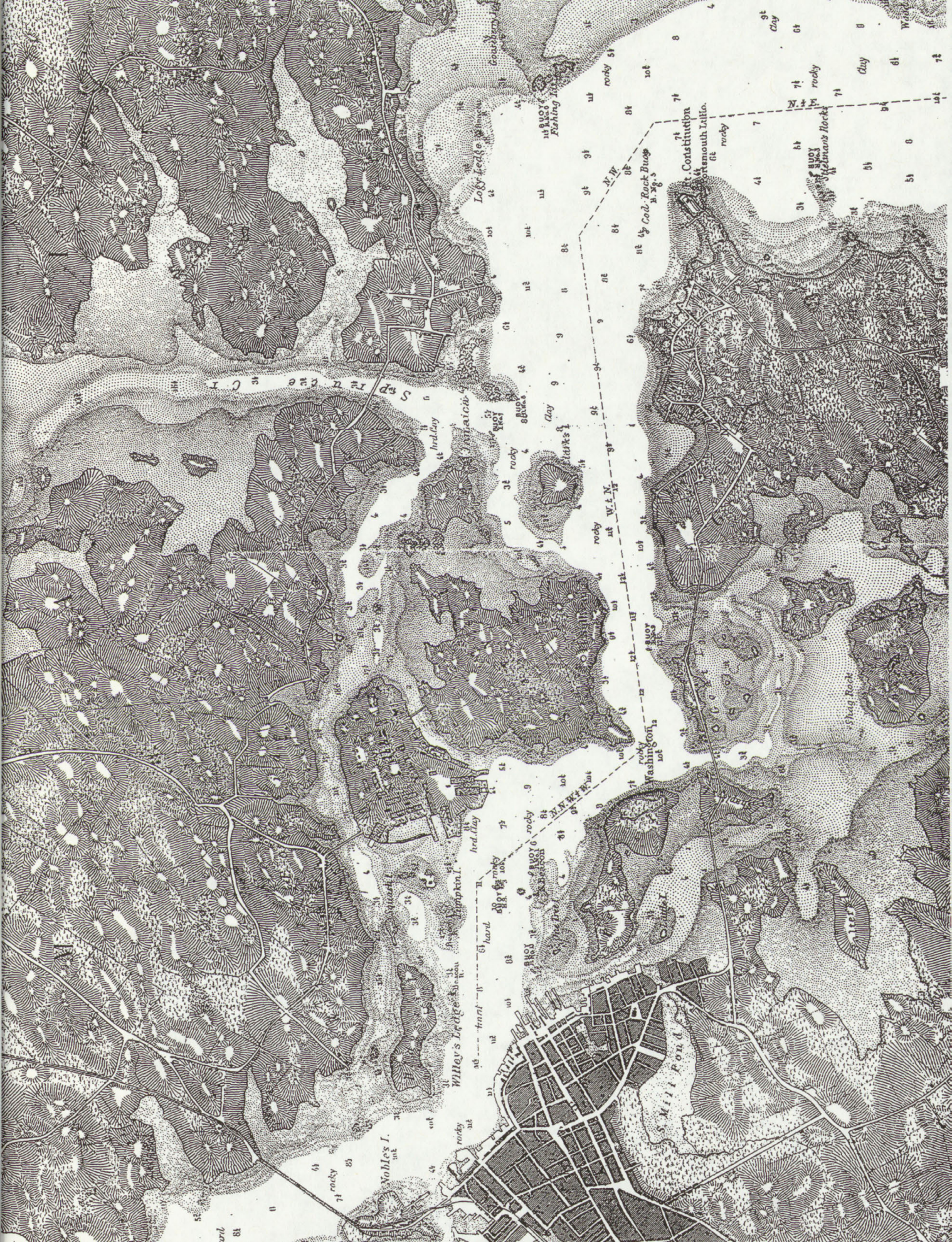


Price 50 cents

Verified

*H. W. Benham, Capt. of Eng'rs*  
Asst. in charge of Office.











Map of Portsmouth Quadrangle, New Hampshire - Maine

Published by the  
United States Geological Survey

1956 (revised 1981)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

UNITED STATES  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

PORTSMOUTH QUADRANGLE  
NEW HAMPSHIRE, MAINE  
1:50,000 SCALE SERIES (TEMPORARILY)



Map by the Federal Mapping Agency  
Printed and published by the Geological Survey  
Scale 1:50,000  
This map is a reproduction of the original map  
published by the Geological Survey in 1944  
and is not a new edition.  
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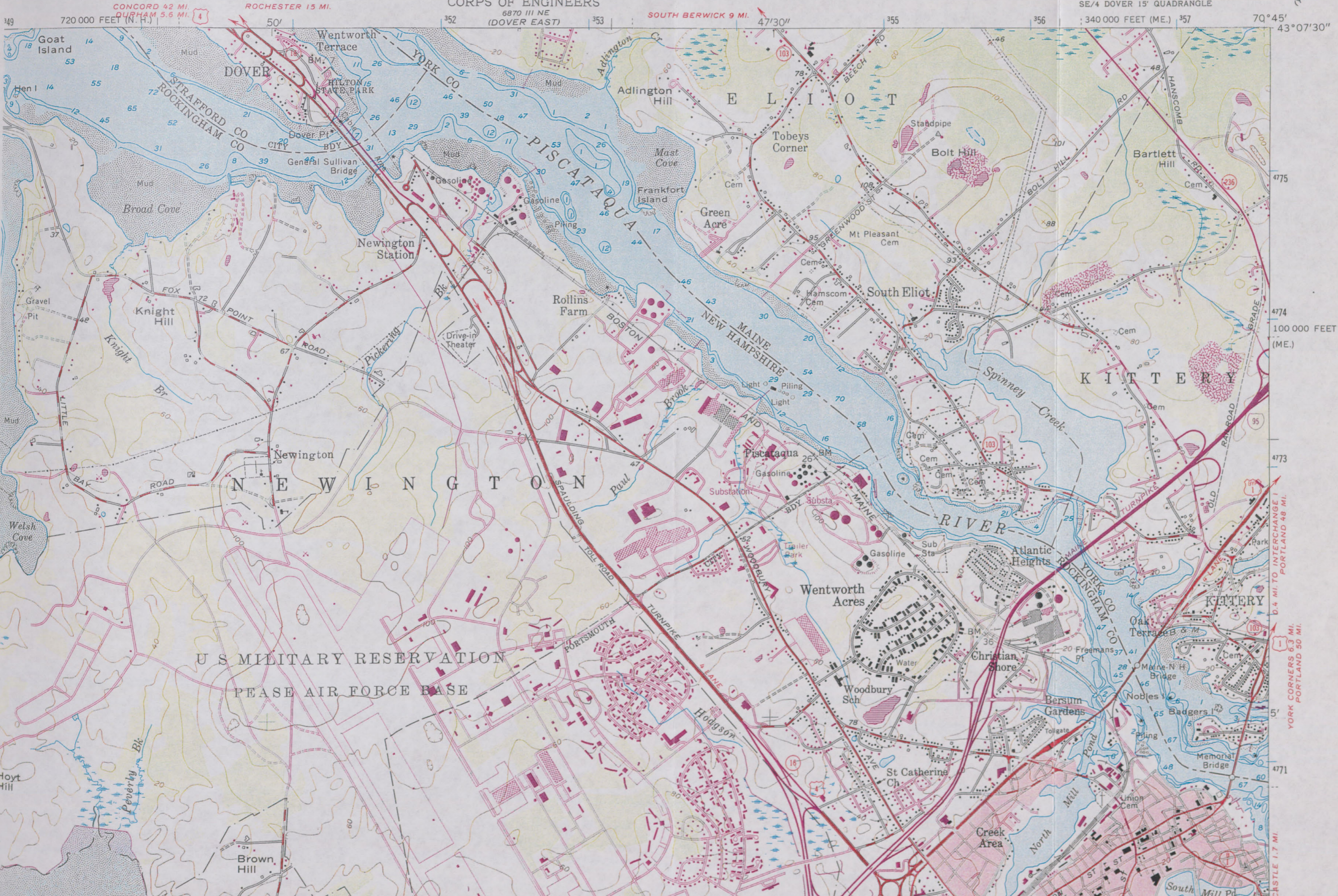
Scale 1:50,000  
This map is a reproduction of the original map  
published by the Geological Survey in 1944  
and is not a new edition.  
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published by the Geological Survey in 1944  
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published by the Geological Survey in 1944  
and is not a new edition.

PORTSMOUTH, N. H. - ME.  
1:50,000 SCALE SERIES (TEMPORARILY)  
UNITED STATES DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
This map is a reproduction of the original map  
published by the Geological Survey in 1944  
and is not a new edition.  
The map is a reproduction of the original map  
published by the Geological Survey in 1944  
and is not a new edition.

UNITED STATES  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

PORTSMOUTH QUADRANGLE  
NEW HAMPSHIRE-MAINE  
7.5 MINUTE SERIES (TOPOGRAPHIC)

6870 11 NW  
(YORK HARBOR)







Map of Kittery Quadrangle, Maine – New Hampshire

Published by the  
United States Geological Survey

1956 (revised 1989)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

UNITED STATES  
DEPARTMENT OF THE ARMY  
ENGINEER REGIMENT

KITTERTY QUADRANGLE  
MAINE - NEW HAMPSHIRE  
1:25,000 (1914)  
1:25,000 (1914)



Map by the Army Map Service  
Control and published by the Geological Survey

Scale 1:25,000

Projection: Mercator

Datum: NAD 83

Units: Feet

Source: USGS

Revised: 1914

Published: 1914

Scale 1:25,000

Projection: Mercator

Datum: NAD 83

Units: Feet

Source: USGS

Revised: 1914

Published: 1914

Scale 1:25,000

Projection: Mercator

Datum: NAD 83

Units: Feet

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Projection: Mercator

Datum: NAD 83

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Scale 1:25,000

Projection: Mercator

Datum: NAD 83

Units: Feet

Source: USGS

Revised: 1914

Published: 1914

Scale 1:25,000

Projection: Mercator

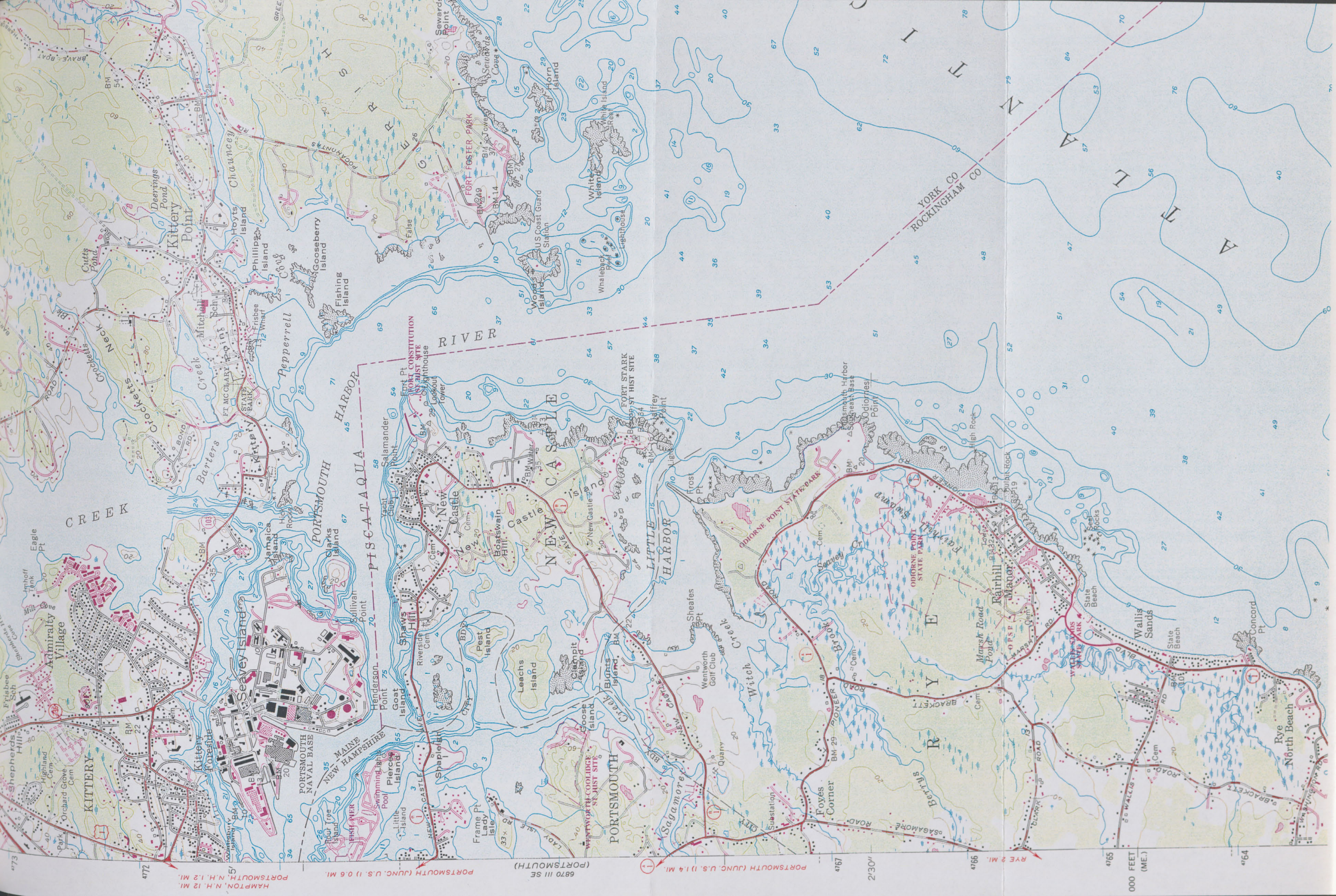
Datum: NAD 83

Units: Feet

Source: USGS

Revised: 1914

Published: 1914





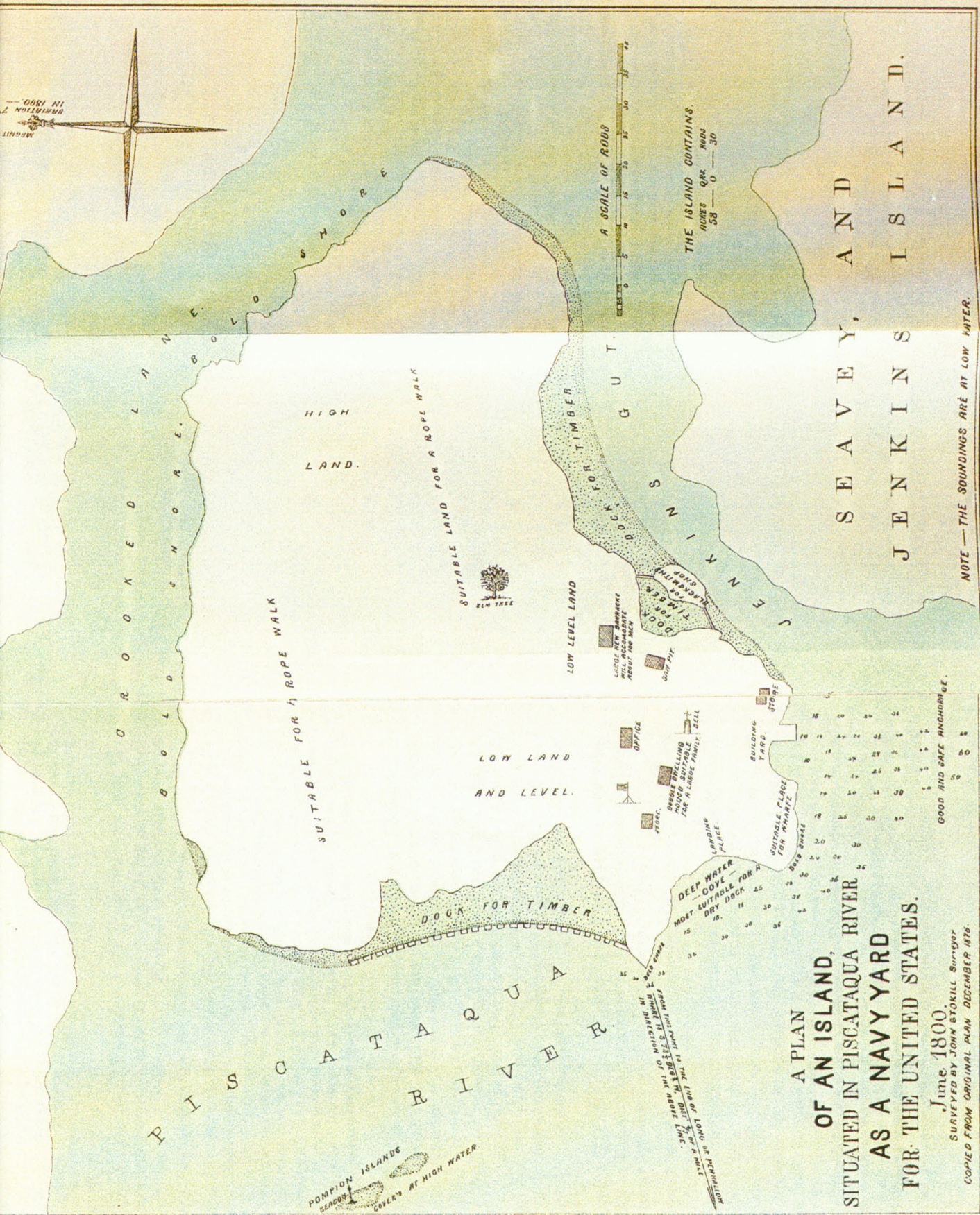


A Plan of an Island, Situated in Piscataqua River as a Navy Yard for the United States

Reprinted in  
History of the United States Navy Yard, by George Henry Preble  
Government Printing Office (1892)

1800





**A PLAN  
OF AN ISLAND,  
SITUATED IN PISCATAQUA RIVER  
AS A NAVY YARD  
FOR THE UNITED STATES.**

June 1800.  
SURVEYED BY JOHN STOKILL SURVEYOR  
COPIED FROM ORIGINAL PLAN DECEMBER 1876.





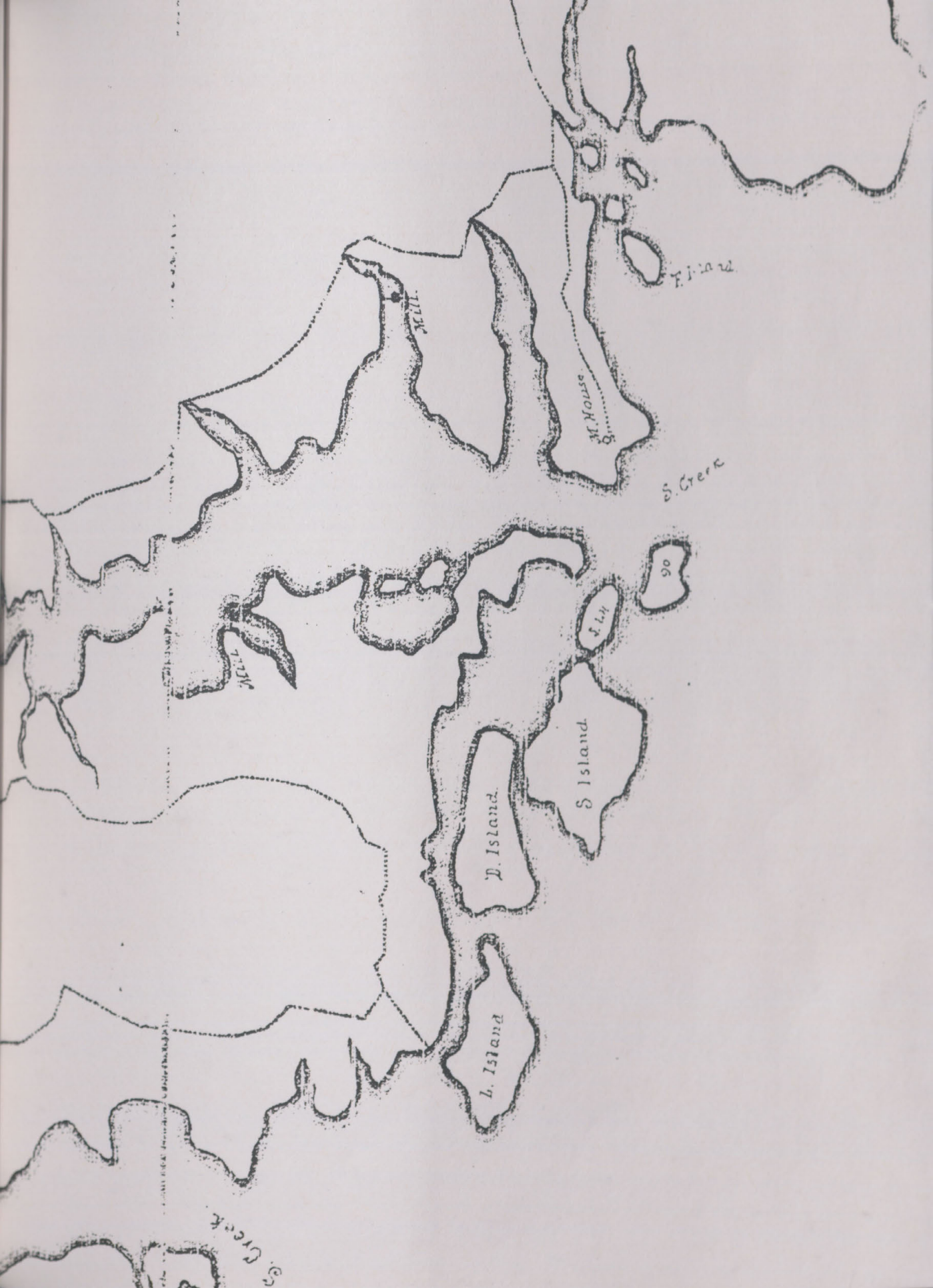


A Plan of the Town of Kittery by Actual Survey

Located in the Massachusetts Archives, Maps & Plans

1794











Map of New Hampshire Coastal Program

Published by the  
New Hampshire Office of State Planning

1990













Map of Monitoring and Gaging Stations, Piscataqua River Basin

Published by the  
New Hampshire Water Supply and Pollution Control Commission

1975

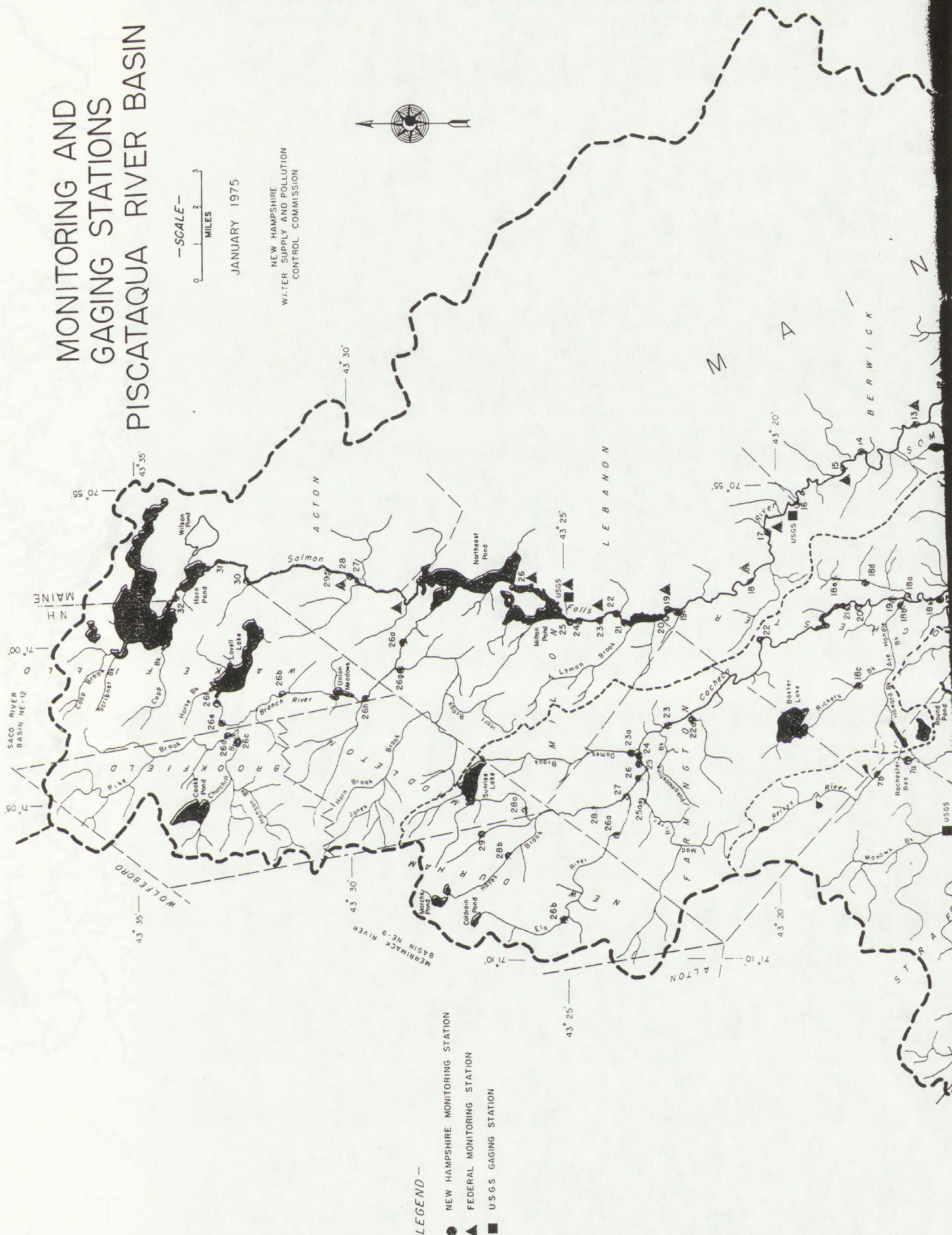


# MONITORING AND GAGING STATIONS PISCATAQUA RIVER BASIN

—SCALE—  
0 1 2 3  
MILES

JANUARY 1975

NEW HAMPSHIRE  
WATER SUPPLY AND POLLUTION  
CONTROL COMMISSION



## LEGEND -

- NEW HAMPSHIRE MONITORING STATION
- ▲ FEDERAL MONITORING STATION
- USGS GAGING STATION



FIG. 1a







Portsmouth, New Hampshire Street Map

Published by the  
Portsmouth Planning Department

1972









Portsmouth, New Hampshire Zoning Map

Published by the  
Portsmouth City Planning Board

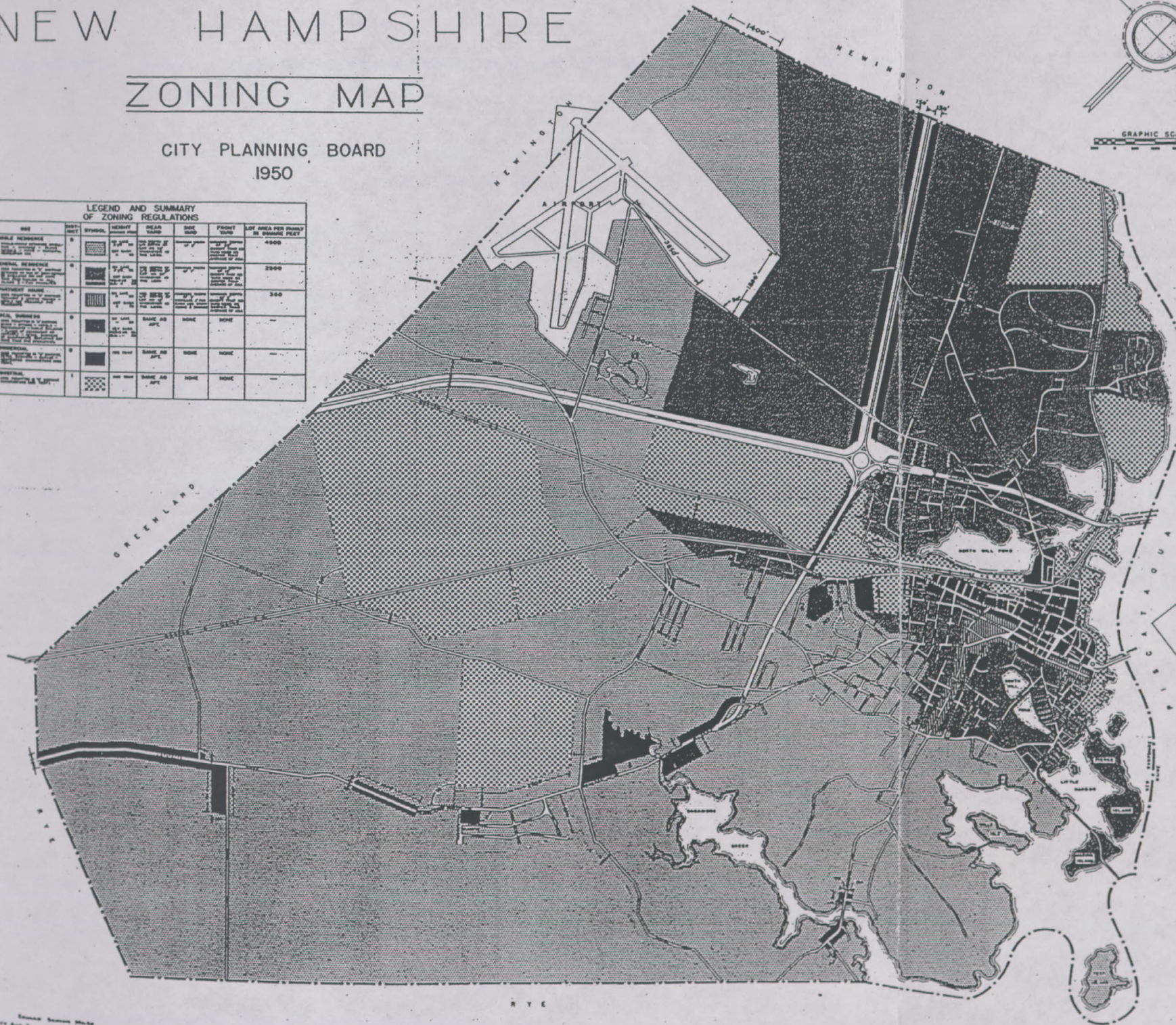
1950

# PORTSMOUTH NEW HAMPSHIRE

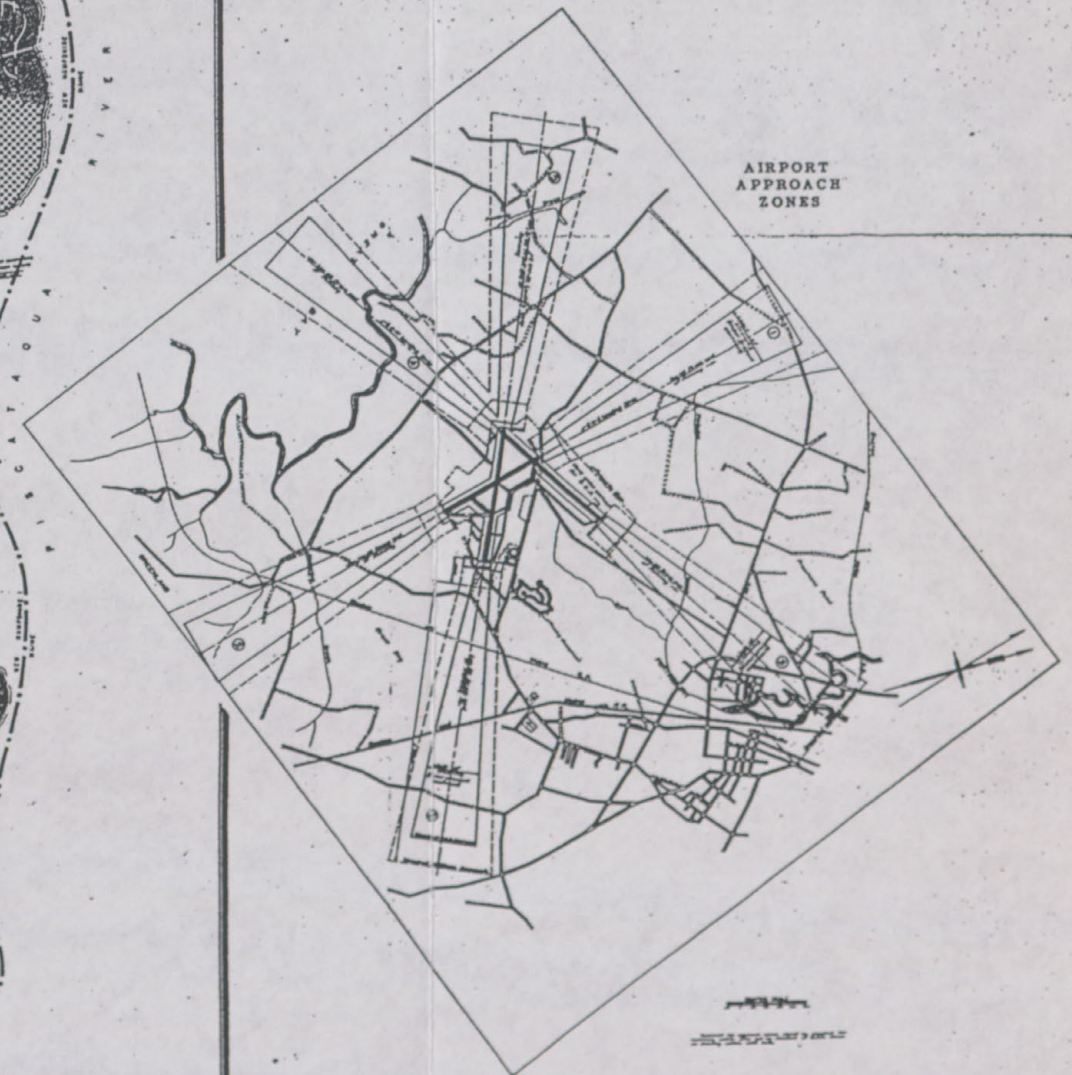
## ZONING MAP

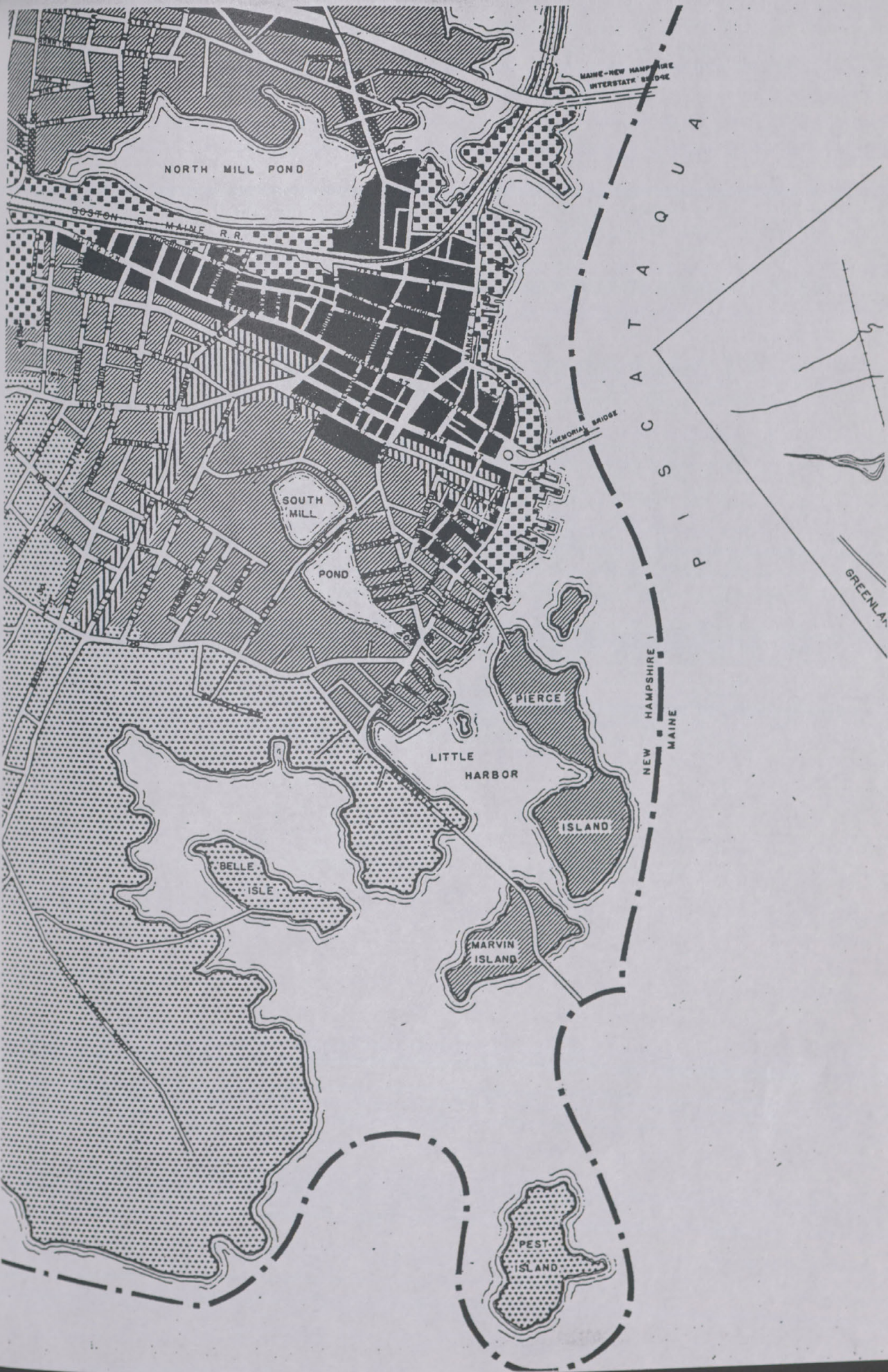
CITY PLANNING BOARD  
1950

LEGEND AND SUMMARY OF ZONING REGULATIONS						
USE	SYMBOL	MINIMUM LOT AREA	MINIMUM LOT DEPTH	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD
<b>GENERAL RESIDENCE</b> Single detached dwellings, with or without detached garages, and accessory uses.	[Symbol]	10,000	100	25	5	10
<b>SEMI-DETACHED RESIDENCE</b> Two detached dwellings, with or without detached garages, and accessory uses.	[Symbol]	10,000	100	25	5	10
<b>LOCAL RESIDENCE</b> Single detached dwellings, with or without detached garages, and accessory uses.	[Symbol]	10,000	100	25	5	10
<b>COMMERCIAL</b> Retail trade, service, and other uses of a local character.	[Symbol]	10,000	100	25	5	10
<b>INDUSTRIAL</b> Manufacturing, warehousing, and other uses of an industrial character.	[Symbol]	10,000	100	25	5	10
<b>OFFICE</b> Professional, business, and other uses of an office character.	[Symbol]	10,000	100	25	5	10
<b>RECREATION</b> Parks, playgrounds, and other uses of a recreational character.	[Symbol]	10,000	100	25	5	10
<b>UTILITY</b> Power, gas, and other utility uses.	[Symbol]	10,000	100	25	5	10



Zoning Map of the City of Portsmouth  
New Hampshire  
Prepared by Portsmouth Planning Board  
January, 1951





NORTH MILL POND

BOSTON MAINE R.R.

MAINE-NEW HAMPSHIRE  
INTERSTATE BRIDGE

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N

SOUTH  
MILL  
POND

MEMORIAL BRIDGE

LITTLE  
HARBOR

PIERCE  
ISLAND

BELLE  
ISLE

MARVIN  
ISLAND

PEST  
ISLAND

GREENLAND







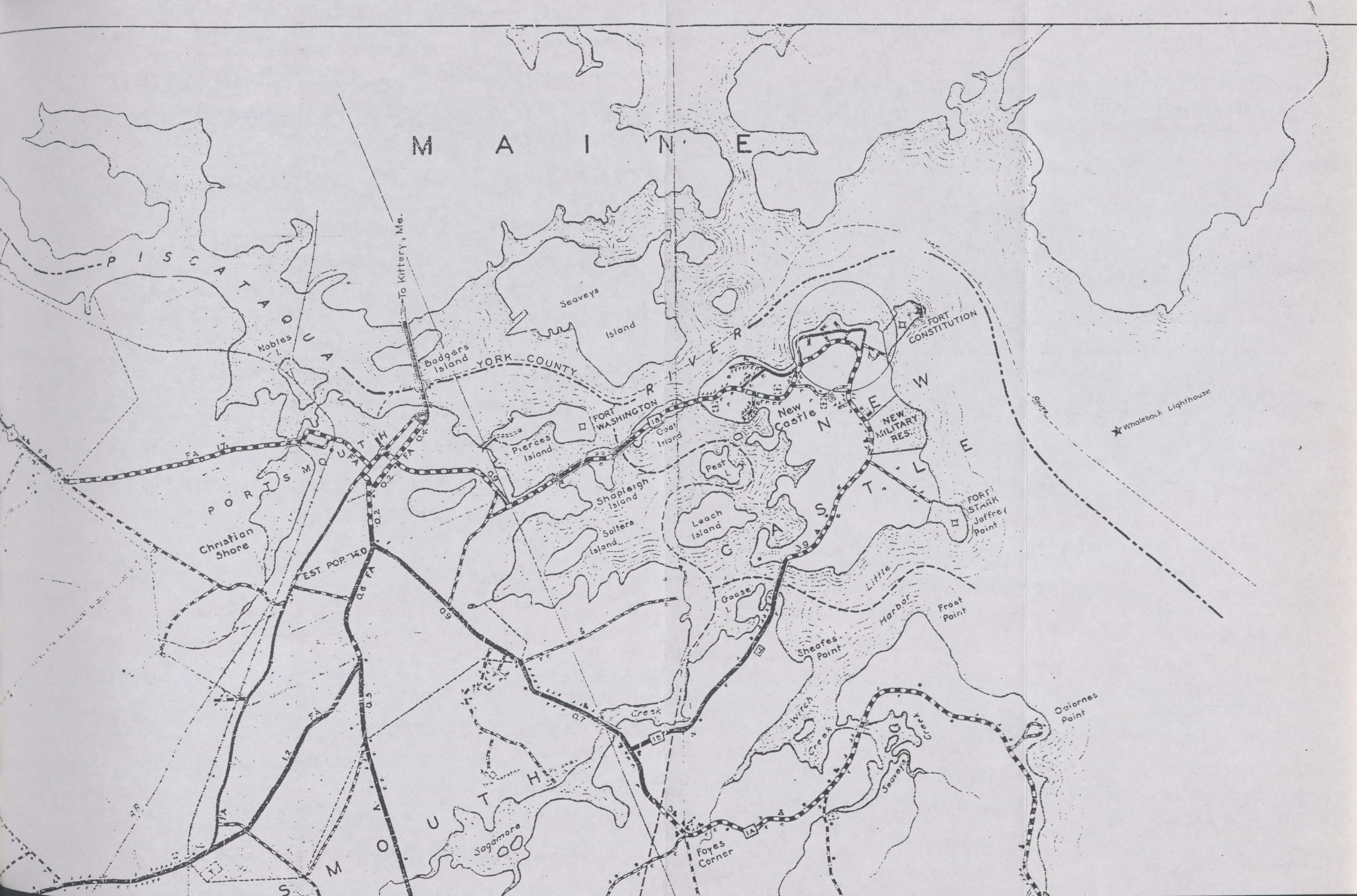
Map of Eastern (Seacoast Region) Rockingham County, New Hampshire

Published by the  
New Hampshire State Highway Department

1937











General Highway Map, York County, Maine

Published by the  
Maine State Highway Commission Planning Division

1961











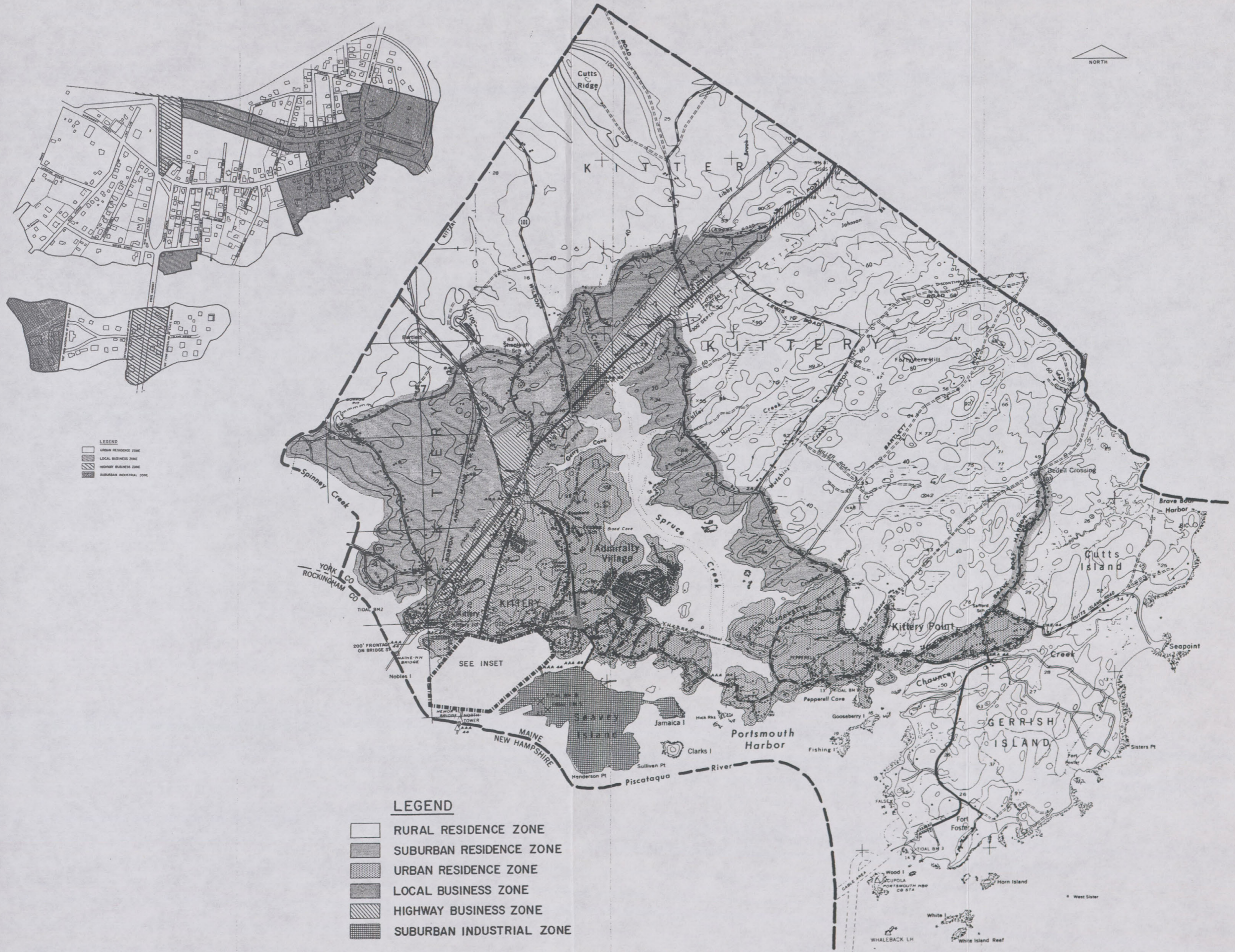
Town of Kittery, Maine Zoning Map

Published by the  
Town of Kittery

1960



# TOWN OF KITTERY, MAINE ZONING MAP







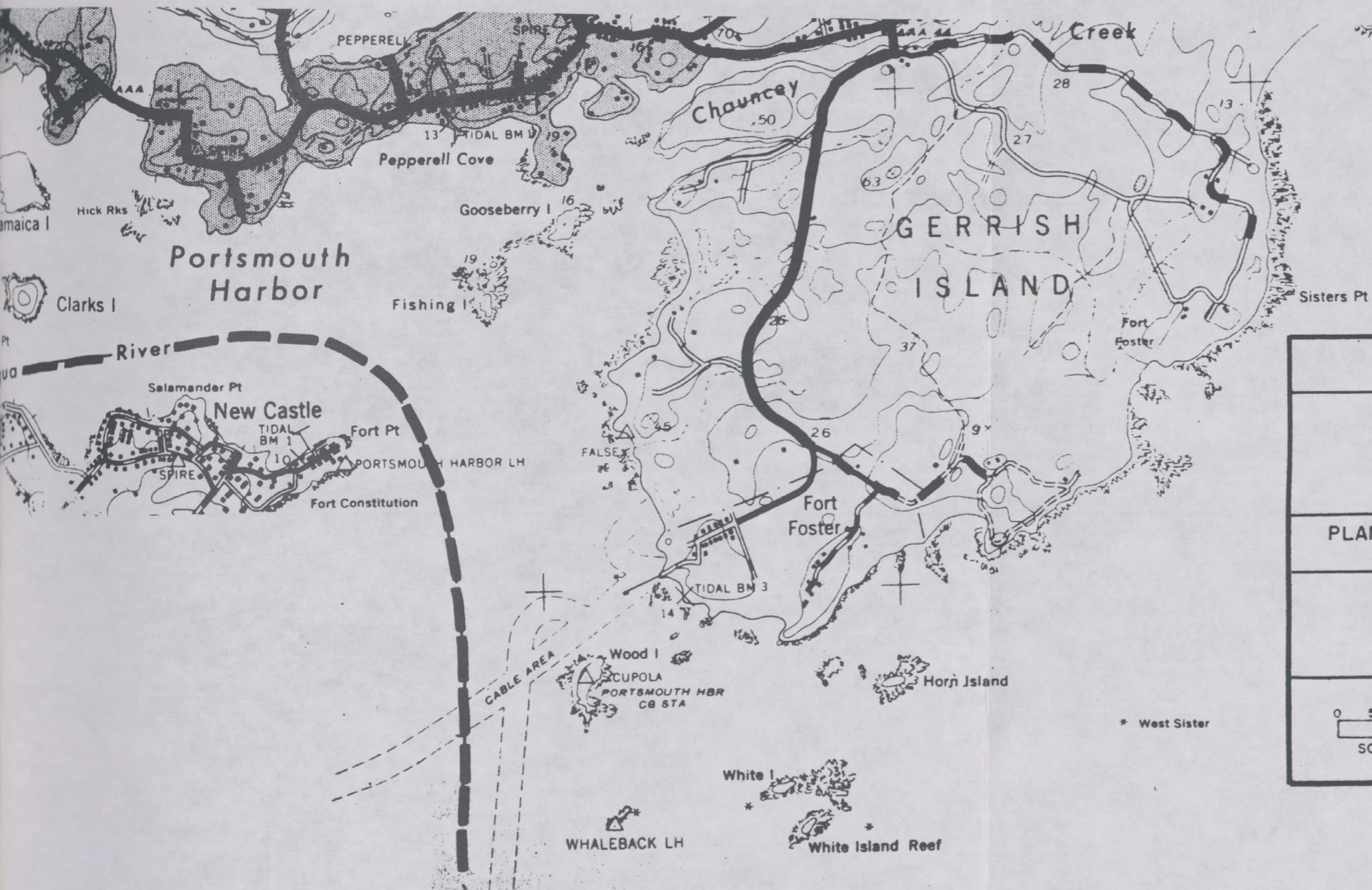


Map of Water Distribution Lines of Town of Kittery, Maine

Published by  
Planning and Renewal Associates

1958





# TOWN OF KITTERY

## WATER DISTRIBUTION

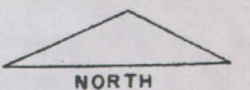
PLANNING AND RENEWAL ASSOCIATES - CONSULTANTS  
CAMBRIDGE - MASSACHUSETTS

PROJECT NO. 701 MAINE P-3

TOWN PLANNING STUDIES UNDERTAKEN BY THE KITTERY PLANNING BOARD  
WITH THE ASSISTANCE OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT  
AND THE U.S. HOUSING AND HOME FINANCE AGENCY

0 500 1000 2000  
SCALE 1"=1000'

DATE JULY 1958  
CODE I-C-2-1  
SOURCE  
MAP NO. 5



The preparation of this report was financed in part through an urban planning grant from the Housing and Home Finance Agency, under the provisions of Section 701 of the Housing Act of 1954, as amended.

— EXISTING WATER DISTRIBUTION MAINS

- - - EXISTING SEASONAL SERVICE MAINS

■ KITTERY WATER DISTRICT

▼ WATER SYSTEM SOURCE

● WATER SYSTEM FACILITY

A BOLT HILL STANDPIPE

B MAIN FROM BOLT HILL STANDPIPE AND COTTLE SPRING SOURCE IN ELIOT

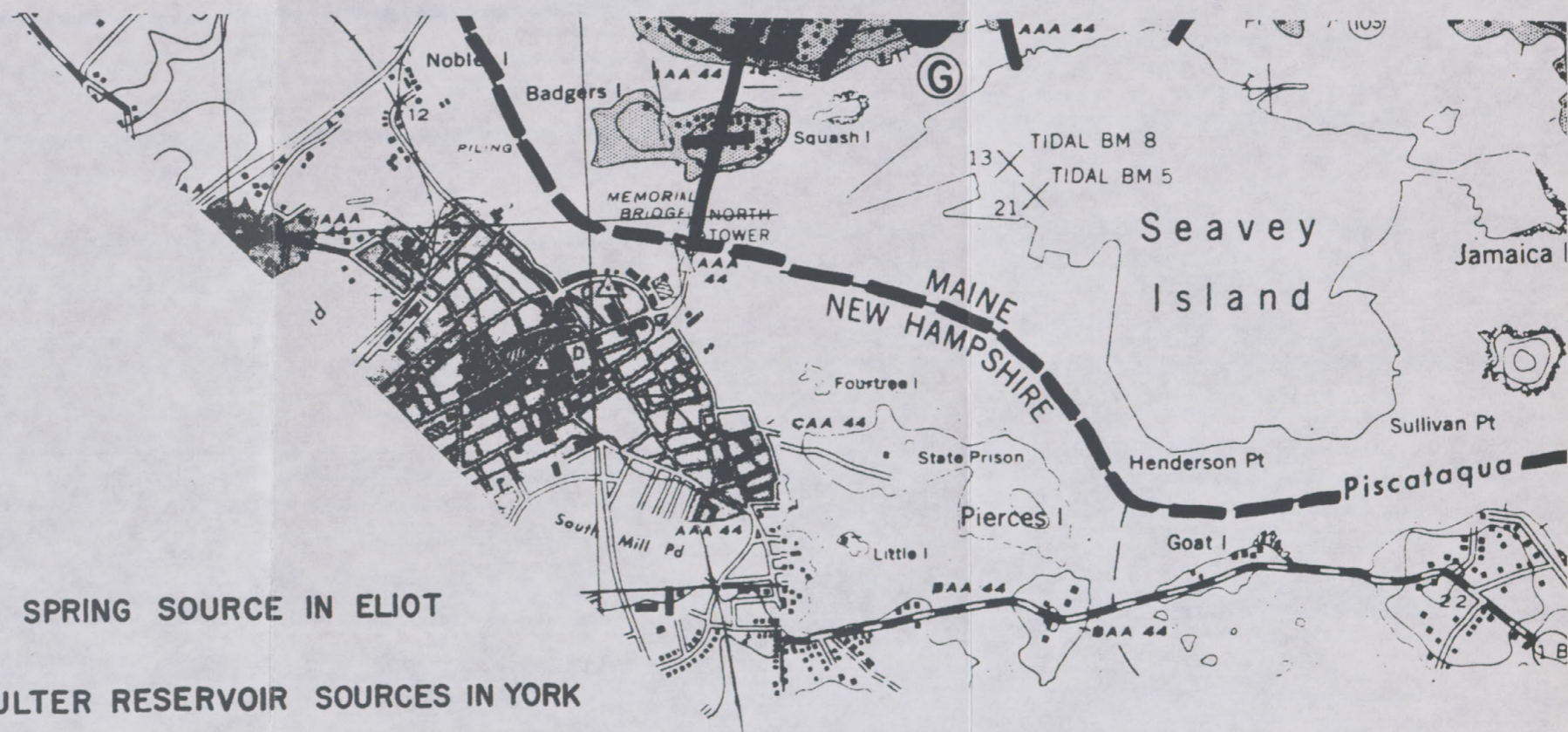
C MAIN FROM MIDDLE POND, FOLLY POND AND BOULTER RESERVOIR SOURCES IN YORK

D NORTH KITTERY BOOSTER PUMPING STATION

E SHEPERD HILL STANDPIPE

F WATER DEPARTMENT SHOPS

G WATER DEPARTMENT OFFICES







Map of York County, Maine

Published by the  
Maine Department of Transportation

1938











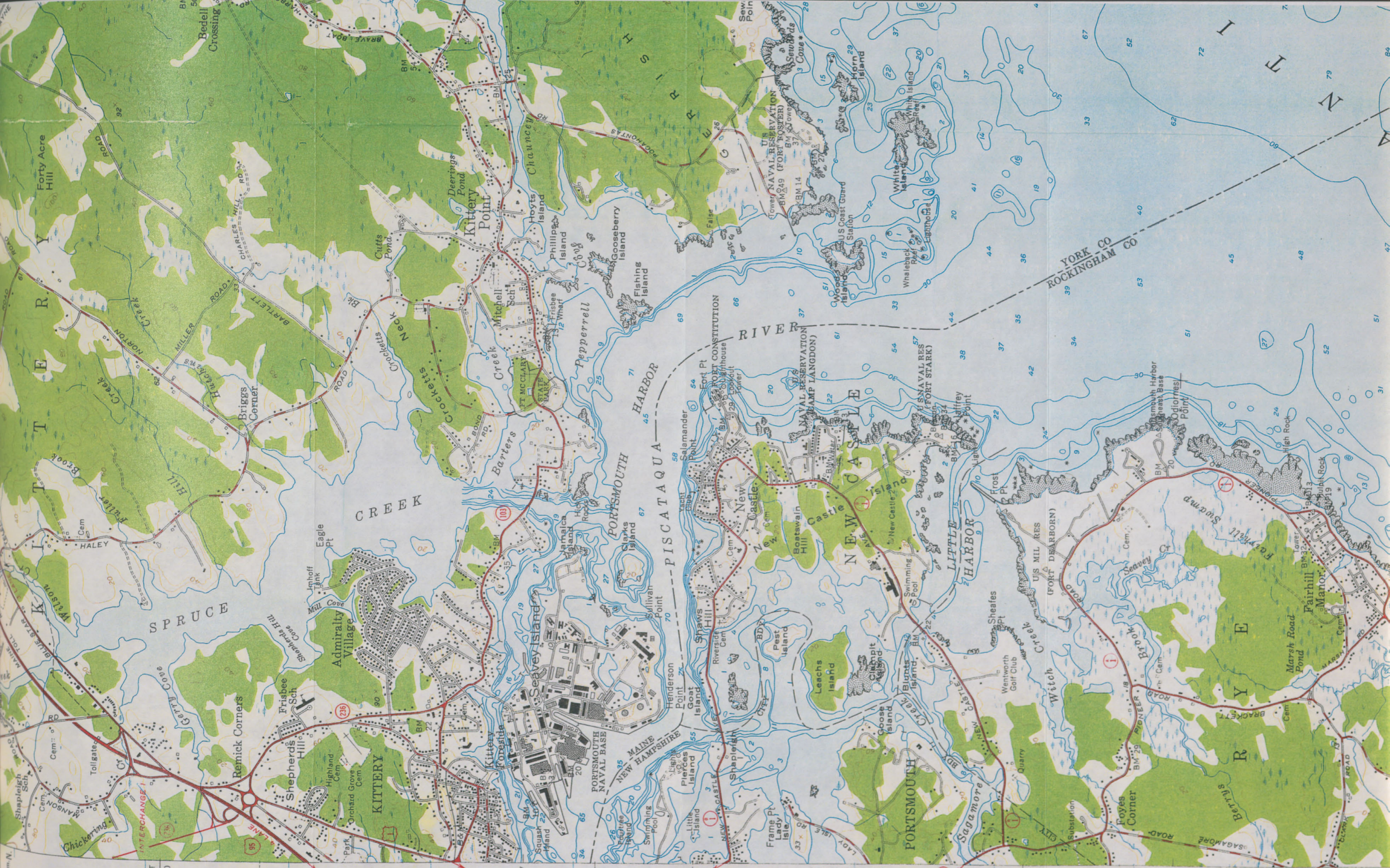
Map of Kittery Quadrangle, Maine – New Hampshire

Published by the  
United States Geological Survey

1956







47°50'00" N. 100 000 FEET (ME.)

BOSTON (CIVIC CENTER) 54 MI.  
SPaulding Turnpike 2 MI.  
PORTSMOUTH, N.H. 12 MI.  
HAMPTON, N.H. 12 MI.  
PORTSMOUTH (JUNC. U.S. 1) 0.6 MI.  
PORTSMOUTH (JUNC. U.S. 1) 1.4 MI.  
PORTSMOUTH (JUNC. U.S. 1) 2.1 MI.  
RYE 2 MI. TO U.S. 1

2'30"





Map of the City of Portsmouth, New Hampshire

Published by  
W.A. Greenough & Co.

1883





STATE OF MAINE

KITTERY

WARD 1.

WARD 3.

WARD 4.

MAP

OF THE CITY OF

PORTSMOUTH

1883.

Scale 2 1/4 Rods to an inch

PUBLISHED BY

W.A. GREENOUGH & CO.

DIRECTORY OFFICE,

31 MILK STREET,

BOSTON.

LITH. J. MAYER & CO. STATE ST. BOSTON



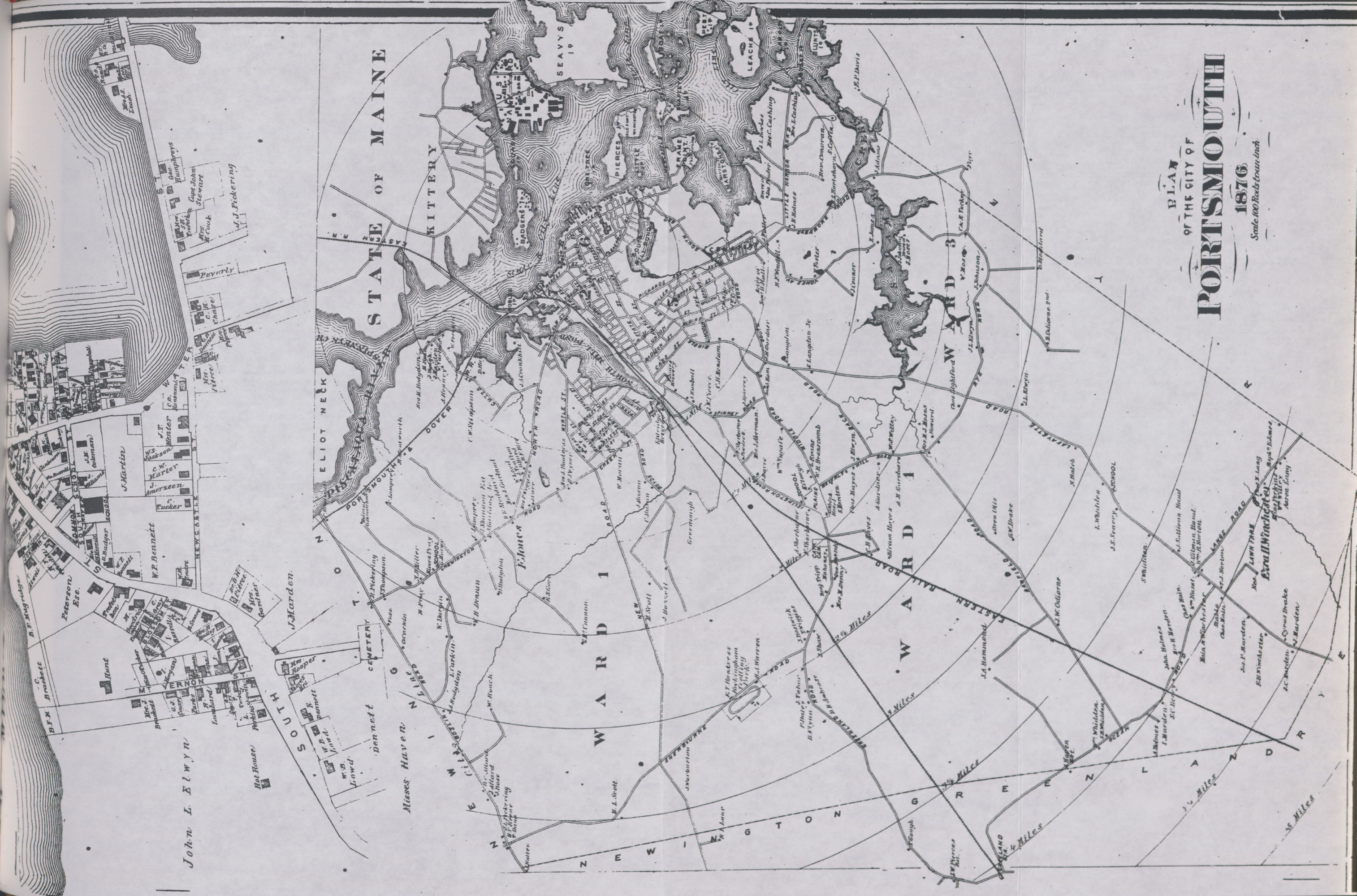


Plan of the City of Portsmouth

Published by  
F.W. Beers & Co.

1876





John L. Elwyn

STATE OF MAINE

KITTERY

WARD 1

WARD 1

WARD 3

PLAN  
OF THE CITY OF  
**PORTSMOUTH**  
1876  
Scale 100 Feet to an Inch





County Block Map, York County, Maine

Published by the  
Bureau of the Census, United States Department of Commerce

1990





SYMBOL DESCRIPTION	NAME STYLE	FIPS CODE	CENSUS CODE
International	***** CANADA		
American Indian Reservation	XXXXXXXXX CAMPO RESVM	10522	(0400)
Trust Land	XXXXXXXXX	10522	(04507)
Alaska Native Regional Corporation	***** ALEUT NARC		(11)
Alaska Native Village Statistical Area, Tribal Jurisdiction	***** KAW TJSA	58870	(5340)
Statistical Area, or Tribal Designated Statistical Area			
State	XXXXXXXXX NEW YORK	(36)	
County	XXXXXXXXX ERIE COUNTY	(0290)	
Minor Civil Division	XXXXXXXXX YORK TWP	30308	(014)
Census County Division	XXXXXXXXX KULA DIV	91390	(05)
Incorporated Place	XXXXXXXXX Rome City	83416	(310)
Census Designated Place	XXXXXXXXX Zena	84187	(2100)
Voting District	XXXXXXXXX C004		
Corporate Center	XXXXXXXXX	3900	
Census Tract or Block Numbering Area	XXXXXXXXX		

FEATURE	SYMBOL	NAME STYLE
Interstate Highway and Limited Access Road	—————	Interstate HW
Other Highway	—————	Highway
City Street, Other Connecting Road, or Dirt Road	—————	Street
Jeep Trail, Walkway, or Stairway	—————	Trail
Railroad	—————	Railroad
Ferry Crossing	—————	Ferry
Pipeline or Power Transmission Line	—————	Pipeline
Ridge, Fence, Canyon, or Other Physical Feature	—————	Feature
Unavoidable Boundary or Other Feature Not Elsewhere Classified	—————	Boundary
Perennial Stream, or Shoreline of Perennial Water Body	—————	Stream
Intermittent Stream, or Shoreline of Intermittent Water Body	—————	Intermittent Stream
Large River, Lake, or Other Water Body	—————	Water Body
Military Installation	—————	Military
Park (National, State, or Local)	—————	Park
Mountain Peak	—————	Peak
Island Area	—————	Island

1 State or County: If state boundaries are for statistical purposes.

2 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

3 If an asterisk follows a name (e.g., 10522\*), the state and county are not the same as the state and county of the place.

4 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

5 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

6 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

7 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

8 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

9 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

10 A four-numbered extension following a name (e.g., 10522) indicates the state and county of the place.

19	20	21
22	23	24
25	26	27



1764 1117 21  
01/30/04 MAB

