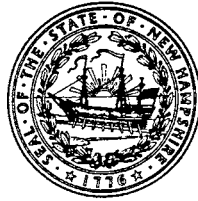


**ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

PHILIP T. McLAUGHLIN
ATTORNEY GENERAL



STEVEN M. HOURAN
DEPUTY ATTORNEY GENERAL

LODGING

April 2, 2001

VIA OVERNIGHT MAIL

Francis J. Lorson, Chief Deputy Clerk
Supreme Court of the United States
U.S. Supreme Court Building
1 First Street, N.E.
Washington, DC 20543

Re: *State of New Hampshire v. State of Maine*, No. 130, Original

Dear Chief Deputy Clerk Lorson:

Enclosed for filing, please find 20 copies of a map lodging prepared by the State of New Hampshire to assist the Court during oral argument. In addition, I have enclosed several published documents to which I may refer in oral argument. These documents include the following:

1. Letter from Solicitor General Robert H. Bork to Hon. Tom C. Clark (Sept. 23, 1975)
2. Letter from Solicitor General Robert H. Bork to Hon. Tom C. Clark (Sept. 3, 1975)
3. Letter from Commander, First CG District, to Commandant, First Naval District (May 18, 1956), regarding proposed range lights
4. Letter from Eleazer Russell to Mesech Weare (June 10, 1782) printed in 18 New Hampshire State Papers 716-718 (Isaac W. Hammond ed., 1890)
5. Letter from Jonathan Belcher to Richard Partridge (Nov. 26, 1739);
Letter from Jonathan Belcher to Jonathan Belcher, Jr. (May 8, 1740);
Extract from Letter to Richard Waldron (May 8, 1740) printed in
Collections of the Massachusetts Historical Society, 6th Series, Vol. VII.

RECEIVED

APR 5, 2001

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Francis J. Lorson, Chief Deputy Clerk
April 2, 2001
Page 2

I trust that the map lodging and documents will be helpful to the Court. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. J. Ludtke', with a long horizontal flourish extending to the right.

Leslie J. Ludtke
Special Counsel

LJL:mtn

Enclosures

cc: Paul Stern, Deputy Attorney General
Barbara D. Underwood, Acting Solicitor General

**In The
Supreme Court of the United States**

STATE OF NEW HAMPSHIRE,

Plaintiff,

v.

STATE OF MAINE,

Defendant.

NEW HAMPSHIRE'S MAP LODGING FOR ORAL ARGUMENT

STATE OF NEW HAMPSHIRE

PHILIP T. McLAUGHLIN

Attorney General

LESLIE J. LUDTKE*

Special Counsel

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9 Capitol Street

P.O. Box 1256

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(603) 224-2341

Counsel for Plaintiffs

**Counsel of Record*

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<u>No.</u>	<u>DESCRIPTION</u>
1	NEW HAMPSHIRE'S CLAIMS <ul style="list-style-type: none">• <i>Motion for Leave to File Complaint and Complaint</i> (June 6, 1973)• <i>Exceptions and Brief of the Plaintiff</i> (December 23, 1975)
2	MAINE'S CLAIMS <ul style="list-style-type: none">• Maine's <i>Answer</i> (April 4, 1974), 1st Counterclaim; <i>Pretrial Submissions of Maine</i> (April 19, 1974)• Maine's <i>Answer</i> (April 4, 1974), 2nd Counterclaim ; <i>Pretrial Submissions of Maine</i> (April 19, 1974)• Maine's <i>Answer</i> (April 4, 1974), 3rd, 4th, and 5th Counterclaim; <i>Pretrial Submissions of Maine</i> (April 19, 1974)
3	"LIGHTS ON RANGE LINE," AMICUS CURIAE CLAIM <p>New Hampshire Commercial Fishermen's Association, et al. <i>Motion to Intervene, Memorandum in Support of Motion to Intervene</i> (September 20, 1974); <i>Memorandum and Offer of Proof to Special Master, Mr. Justice Clark, by Proposed Intervenor</i> (December 11, 1974)</p>
4	CONSENT DECREE LINE <p><i>Motion for Entry of Judgment by Consent of Plaintiff and Defendant</i> (September 23, 1974)</p>
5	SPECIAL MASTER'S LINE <p><i>Report of Tom C. Clark, Special Master</i> (October 8, 1975)</p>
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8 NEW HAMPSHIRE LINE, SPECIAL MASTER’S LINE, CONSENT DECREE LINE,
MAINE’S MOST EXTREME LINE

Response of the State of Maine to New Hampshire’s Exceptions (January 19, 1976); *see also*, Transcript of Oral Arguments (April 19, 1976) in *Appendix to Plaintiff’s Brief in Response to Brief for the United States as Amicus Curiae*, pp. 100a – 143a.

9 NEW HAMPSHIRE’S CLAIMS AND MAINE’S CLAIMS (MAPS 1 AND 2 COMBINED)

10 NEW HAMPSHIRE’S CLAIMS, MAINE’S CLAIMS AND THE SPECIAL MASTER’S LINE
(MAPS 1, 2 AND 5 COMBINED)

11 ALL BOUNDARY CLAIMS (MAPS 1 THROUGH 6 COMBINED)

12 PORTION OF C&GS CHART 211 SHOWING THALWEG

United States East Coast: Maine-New Hampshire, Portsmouth Harbor, Cape Neddick Harbor to the Isles of Shoals. Navigational Chart C&GS 211.
Washington, DC: Department of Commerce, National Oceanic & Atmospheric Administration National Ocean Survey, 1973.

13 1956 PROPOSED RANGE LIGHTS LINE AS MARKED ON THE UNITED STATES COAST
AND GEODETIC SURVEY CHART 329

14 THALWEG AS DEPICTED ON THE COAST AND GEODETIC SURVEY CHART 211
COMBINED WITH 1956 RANGE LIGHTS LINE

15 AMICUS CURIAE “LIGHTS ON RANGE LINE” AND COAST GUARD 1956 RANGE
LIGHTS LINE

16 FACSIMILE OF MAP

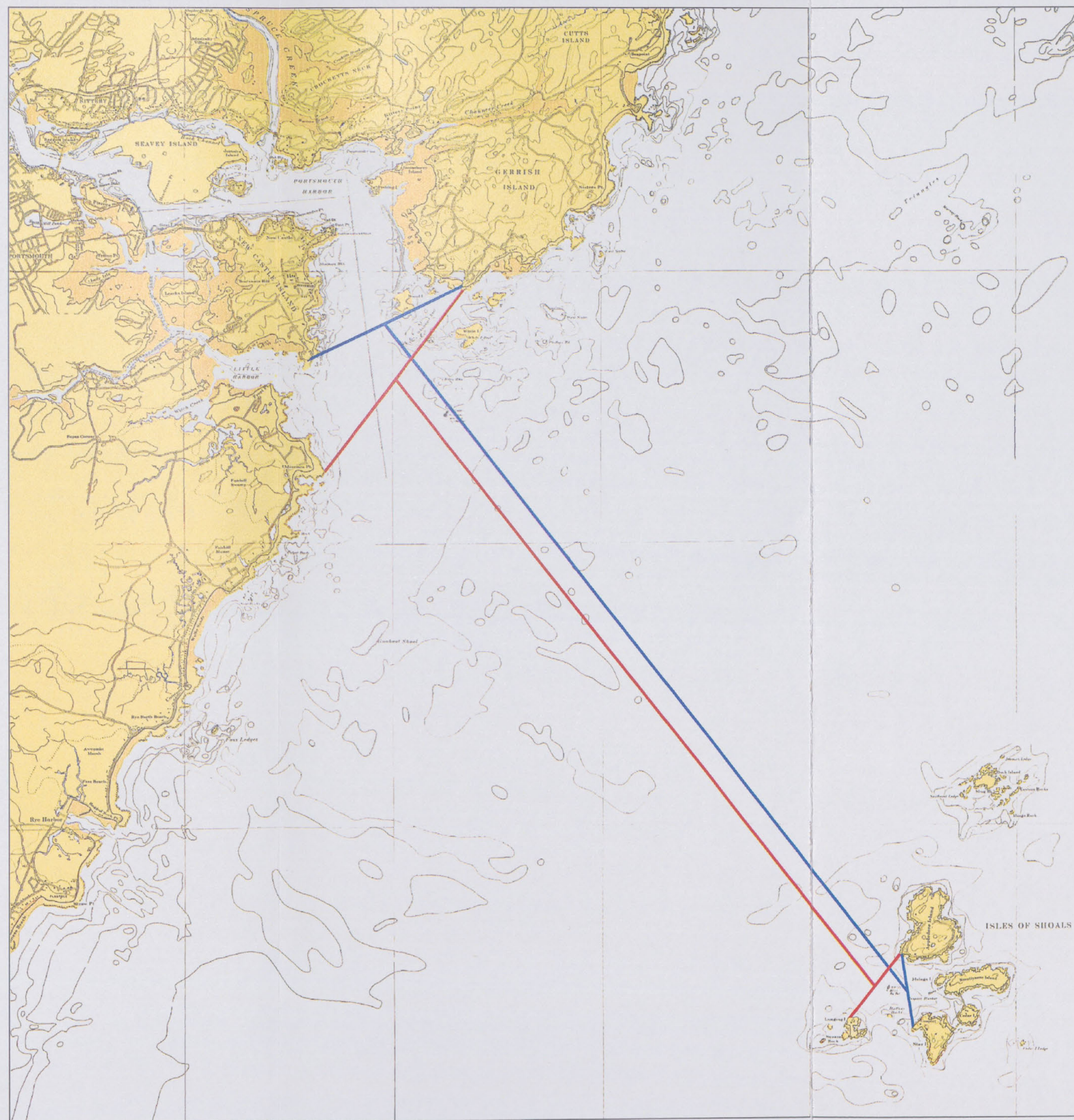
Boundary of Maine described in the *Massachusetts Bay and New Hampshire: The Case of His Majesty’s Province of the Massachusetts Bay, touching the Dispute between that Province and His Majesty’s Province of New Hampshire ...*

17 A PLAN OF THE RIVERS AND BOUNDARY LINES REFERR’D TO IN Y^E PROCEEDINGS
& JUDGMENT OF Y^E COMMISSIONERS FOR ADJUSTING THE BOUNDS BETWEEN THE
MASSACHUSETTS BAY AND NEW HAMPSHIRE.

MAP 1. NEW HAMPSHIRE'S CLAIMS

— Boundary line described in *Motion for Leave to File Complaint and Complaint* (June 6, 1973) (A straight line connects the mid-point of closing lines to Portsmouth Harbor and Gosport Harbor. The harbor closing lines run between Jaffrey Point and Seawards Cove, and between Appledore and Star Islands.)

— Boundary line described in *Exceptions and Brief of the Plaintiff* (December 23, 1975) (A straight line connects the geographic middle of closing lines in Portsmouth Harbor and Gosport Harbor. The closing lines run between Odiornes Point and Seawards Cove, and Smuttynose and Lunging Islands at low water mark.)



MAP 2. MAINE'S CLAIMS

— Boundary line described in Maine's *Answer* (First Counterclaim) (April 4, 1974) and *Pretrial Submissions of Maine* (April 19, 1974) (Two straight lines extend from the mid-channel lines of Portsmouth Harbor and Gosport Harbor and intersect at a point about 1.5 miles south of Gunboat Shoal; the Pepperrell Cove range lights mark the mid-channel line. The mid-channel line in Gosport Harbor passes over the mid-channel buoy and curves between Star and Smuttynose Islands.)

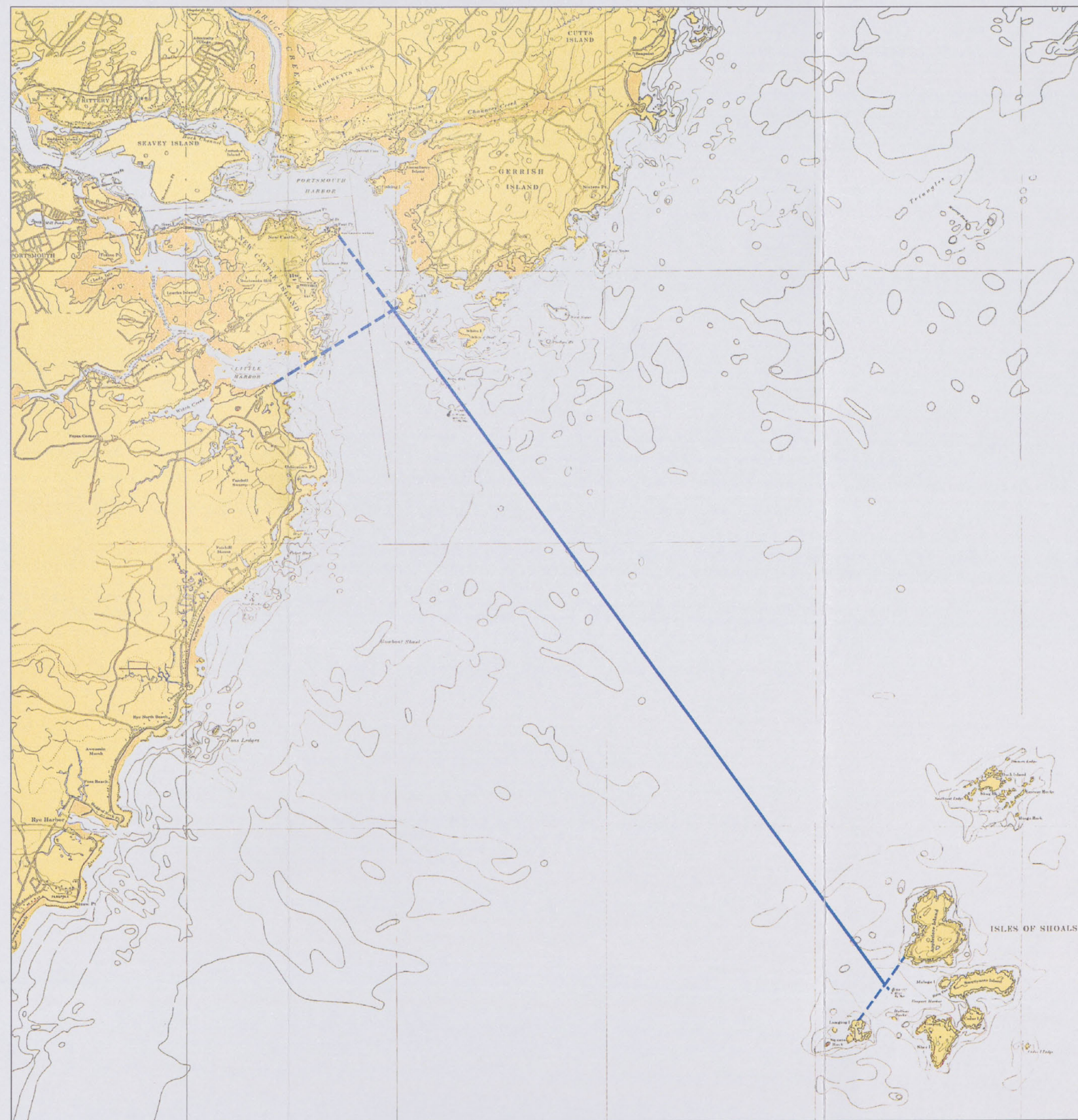
— Boundary line described in Maine's *Answer* (Second Counterclaim) (April 4, 1974) and *Pretrial Submissions of Maine* (April 19, 1974) (A smooth, curved line connects the faired extension of the channel lines from Portsmouth Harbor and Gosport Harbor.)

— Boundary line described in Maine's *Answer* (Third, Fourth and Fifth Counterclaim) (April 4, 1974) and *Pretrial Submissions of Maine* (April 19, 1974) and as shown on U.S. Dept. of the Interior Geological Survey map, Maine-New Hampshire/York Quadrangle, 1920 ed. (Two straight lines approximating a nearly faired extension of the course of the channel lines in Portsmouth Harbor and Gosport Harbor.)



MAP 3. "LIGHTS ON RANGE LINE,"
AMICUS CURIAE CLAIM

— Line described in New Hampshire Commercial Fishermen's Association, *et al. Motion to Intervene, Memorandum in Support of Motion to Intervene* (September 9, 1974), and *Memorandum and Offer of Proof to Special Master, Mr. Justice Clark, by Proposed Interveners* (December 11, 1974) (A straight line runs between Portsmouth Harbor and the Isles of Shoals that commences at a point on a line drawn from Frost Point to Wood Island, and ends at a point on a line drawn between Lunging and Appledore Islands. This straight line from Gosport Harbor's mid-channel buoy connects Whaleback Light and Fort Point Light on New Castle Island.)



MAP 4. CONSENT DECREE LINE

— Line described in the *Decree*, 434 US 1 (October 7, 1977). See paragraphs (9) and (10) (The lateral marine boundary connecting the channel termination points is determined on the basis of “special circumstances” and has a computed length of 10,124.53 yards.)



MAP 5. SPECIAL MASTER’S LINE

— Boundary line described in *Report of Tom C. Clark, Special Master* (October 8, 1975) (A straight line connects the geographic middle of the closing line in Gosport Harbor with the point where the middle of Piscataqua River crosses the closing line of the mouth of Portsmouth Harbor at the low tide. The closing line of Gosport Harbor is a line between Lunging and Appledore Islands and the closing line of Portsmouth Harbor extends from Odiornes Point to Seawards Cove.)



MAP 6. EQUIDISTANT LINE
PER INTERNATIONAL LAW

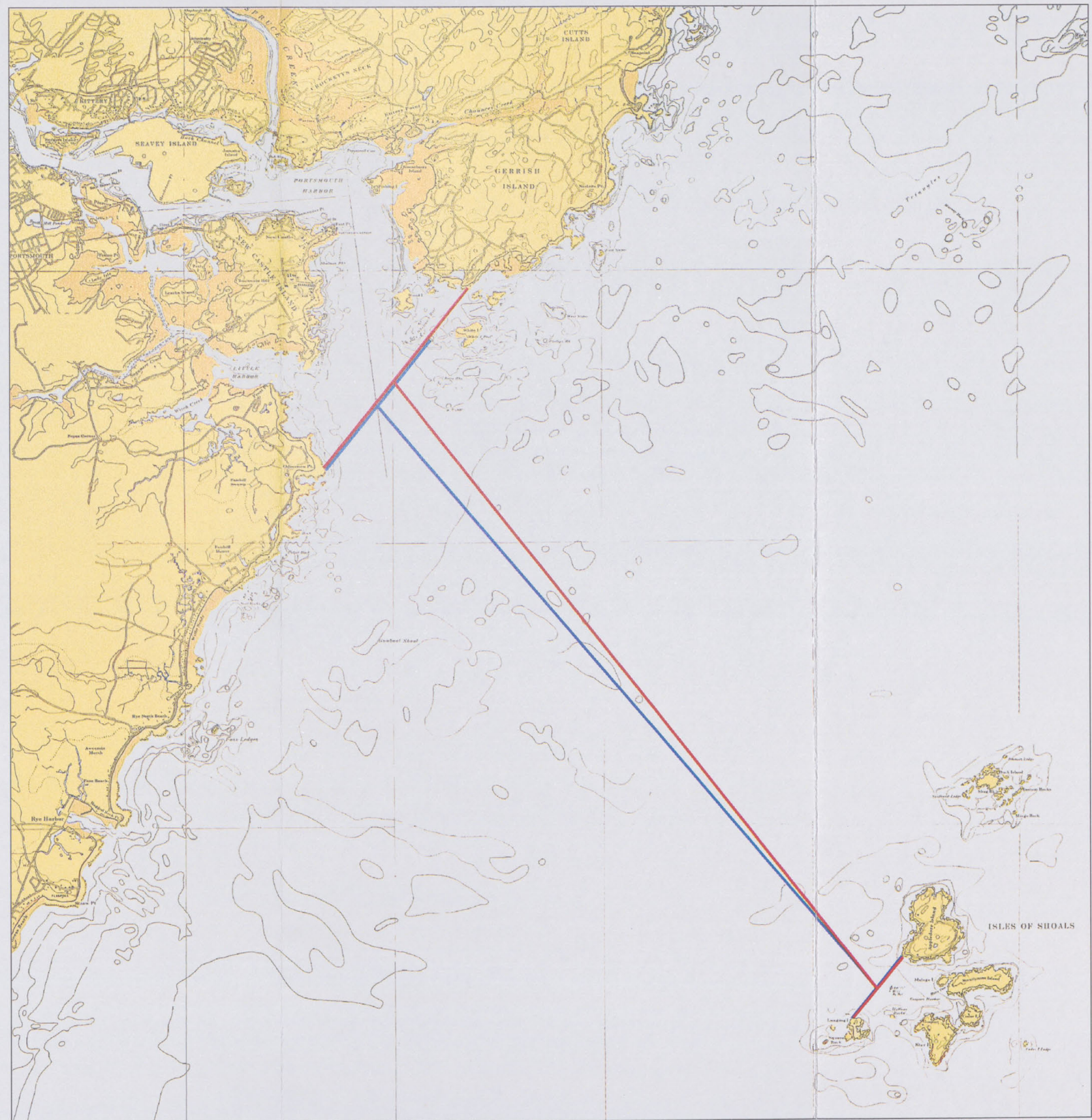
— Line described in oral argument. See
Transcript of Oral Argument, p. 6. (April 19,
1976).



MAP 7. SPECIAL MASTER'S LINE, NEW HAMPSHIRE'S EXCEPTIONS

- Special Master's Line
- New Hampshire's Line

Lines described in *Exceptions of the State of New Hampshire to Report of the Special Master* (December 23, 1975); see also, Transcript of Oral Arguments (April 19, 1976) (*Appendix to State of New Hampshire's Brief in Response to Brief for the United States as Amicus Curiae*, pp. 100a – 143a.) *New Hampshire's Exceptions* (The closing lines run between Odiornes Point and Seawards Cove, and Smuttynose and Lunging Islands at low water mark.)

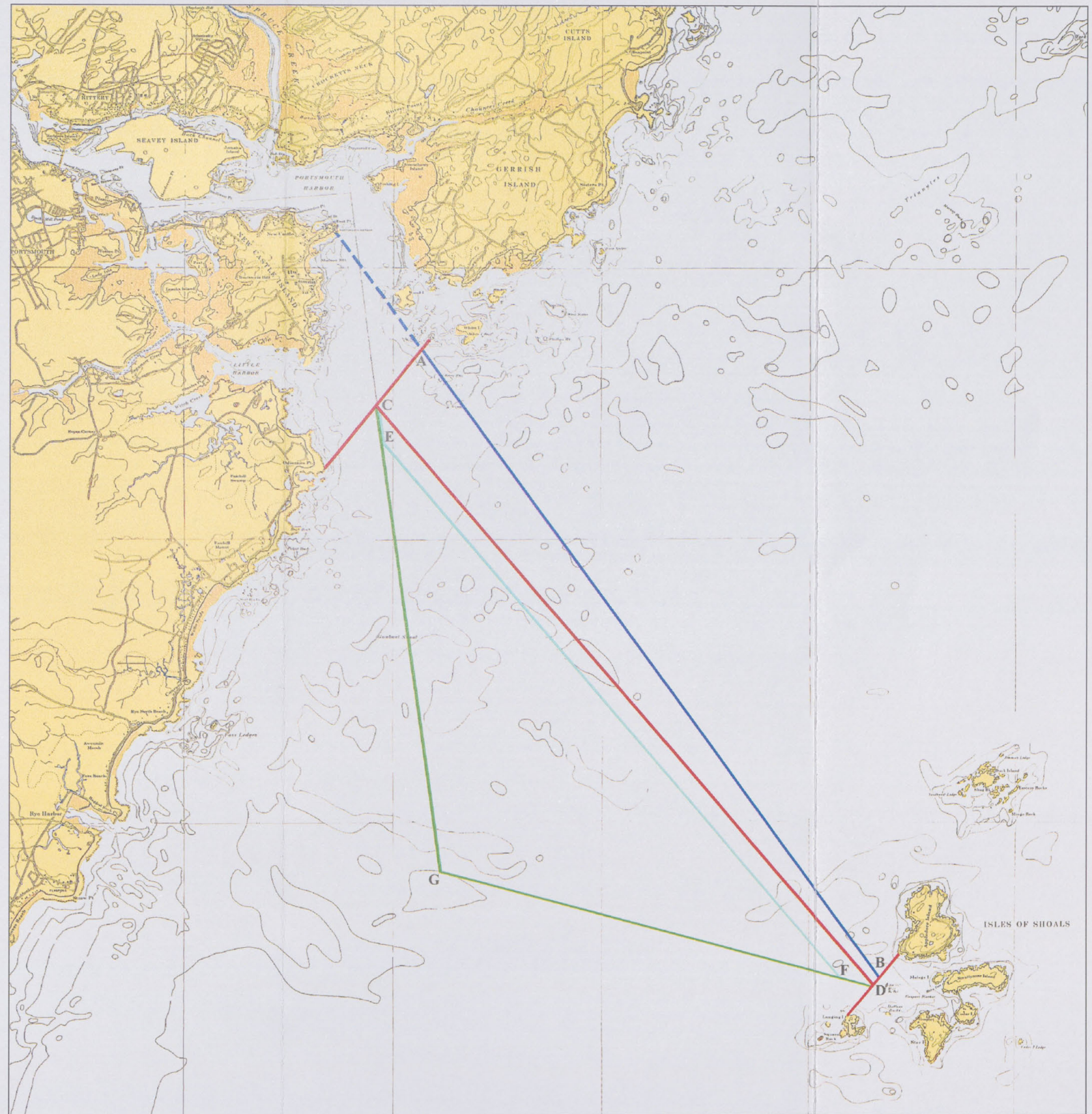


MAP 8. NEW HAMPSHIRE'S LINE,
SPECIAL MASTER'S LINE,
CONSENT DECREE LINE,
MAINE'S MOST EXTREME LINE

- A-B: New Hampshire's Line*
- C-D: Special Master's Line
- C-E-F: Consent Decree Line
- C-E-G-F: Maine's Most Extreme Line

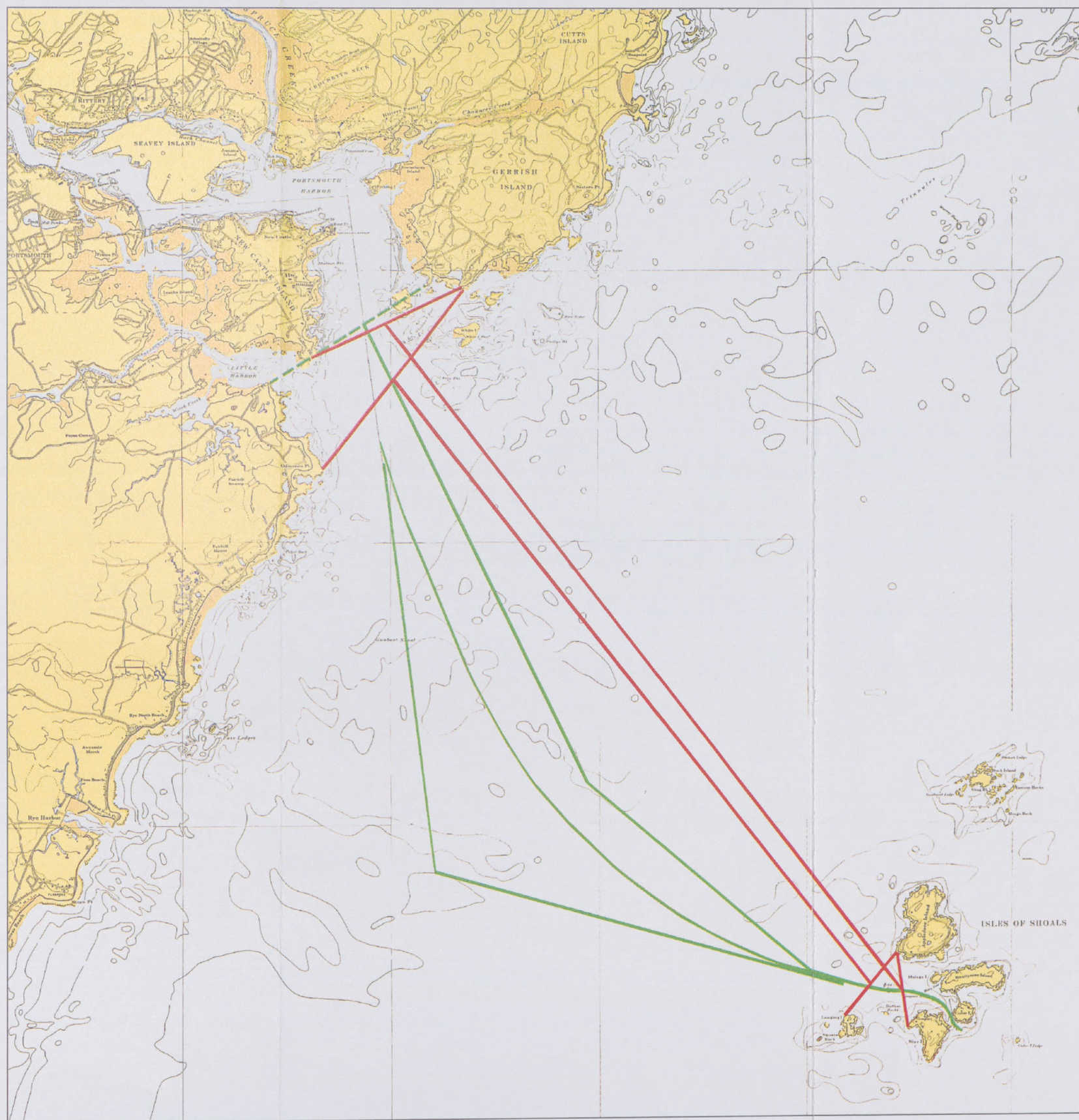
Lines described in *Response of the State of Maine to New Hampshire's Exceptions* (January 19, 1976); see also *Transcript of Oral Arguments* (April 19, 1976) (*Appendix to State of New Hampshire's Brief in Response to Brief for the United States as Amicus Curiae*, pp. 100a – 143a.)

*The pleadings incorrectly describe this line as depicting New Hampshire's boundary claim. New Hampshire did not make a claim for the "lights on range line" connecting the Fort Point and Whaleback lighthouses.



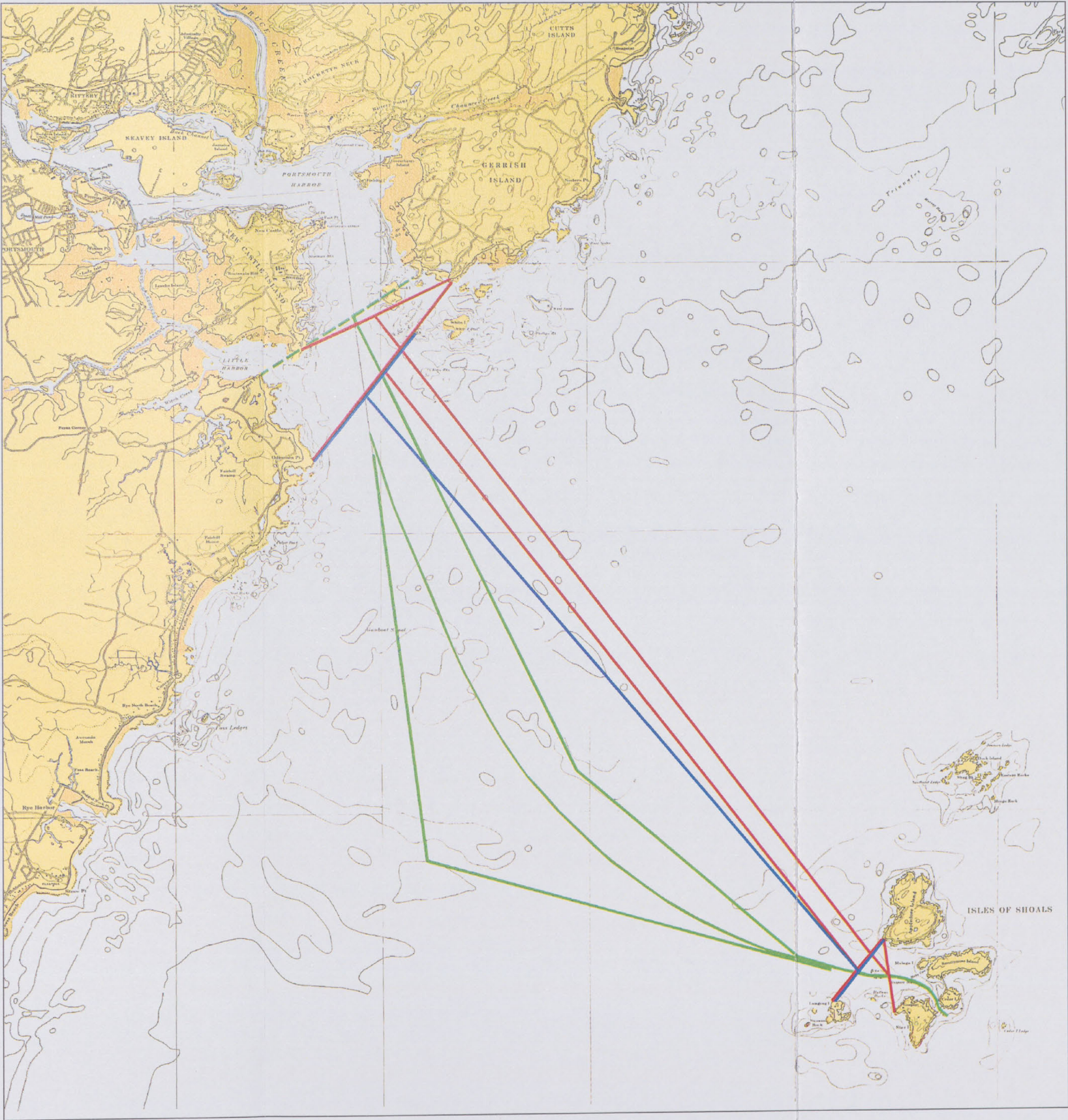
MAP 9. NEW HAMPSHIRE'S CLAIMS
AND MAINE'S CLAIMS
(MAPS 1 AND 2 COMBINED)

- New Hampshire's Claims
- Maine's Claims



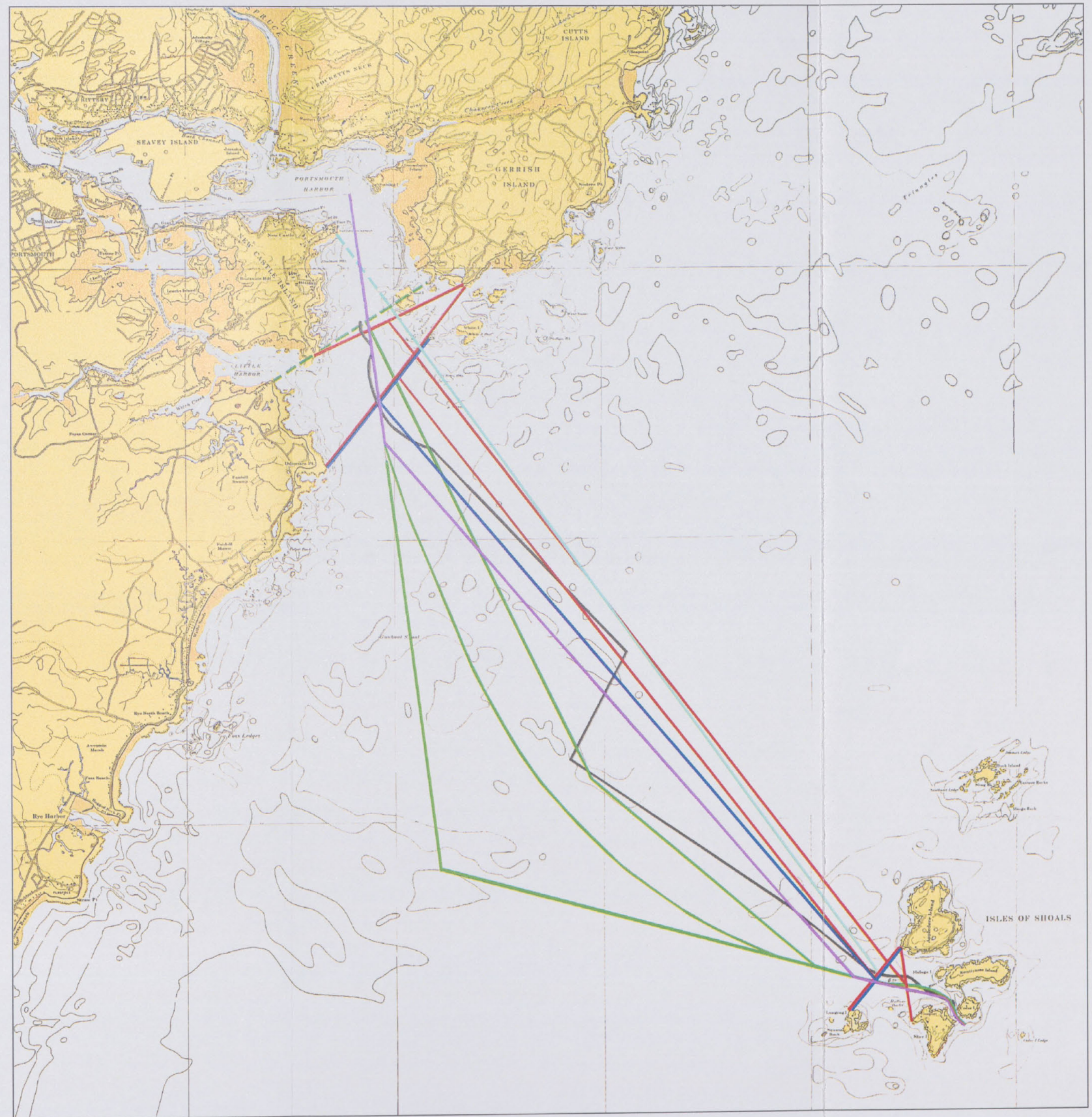
MAP 10. NEW HAMPSHIRE'S CLAIMS,
MAINE'S CLAIMS
AND THE SPECIAL MASTER'S LINE
(MAPS 1, 2 AND 5 COMBINED)

- New Hampshire's Claims
- Maine's Claims
- Special Master's Line



MAP 11. ALL BOUNDARY CLAIMS
(MAPS 1 THROUGH 6 COMBINED)

- New Hampshire's Claims
- Maine's Claims
- Special Master's Line
- "Lights on Range" Amicus Curiae Line
- Consent Decree Line
- Equidistant Line per International Law



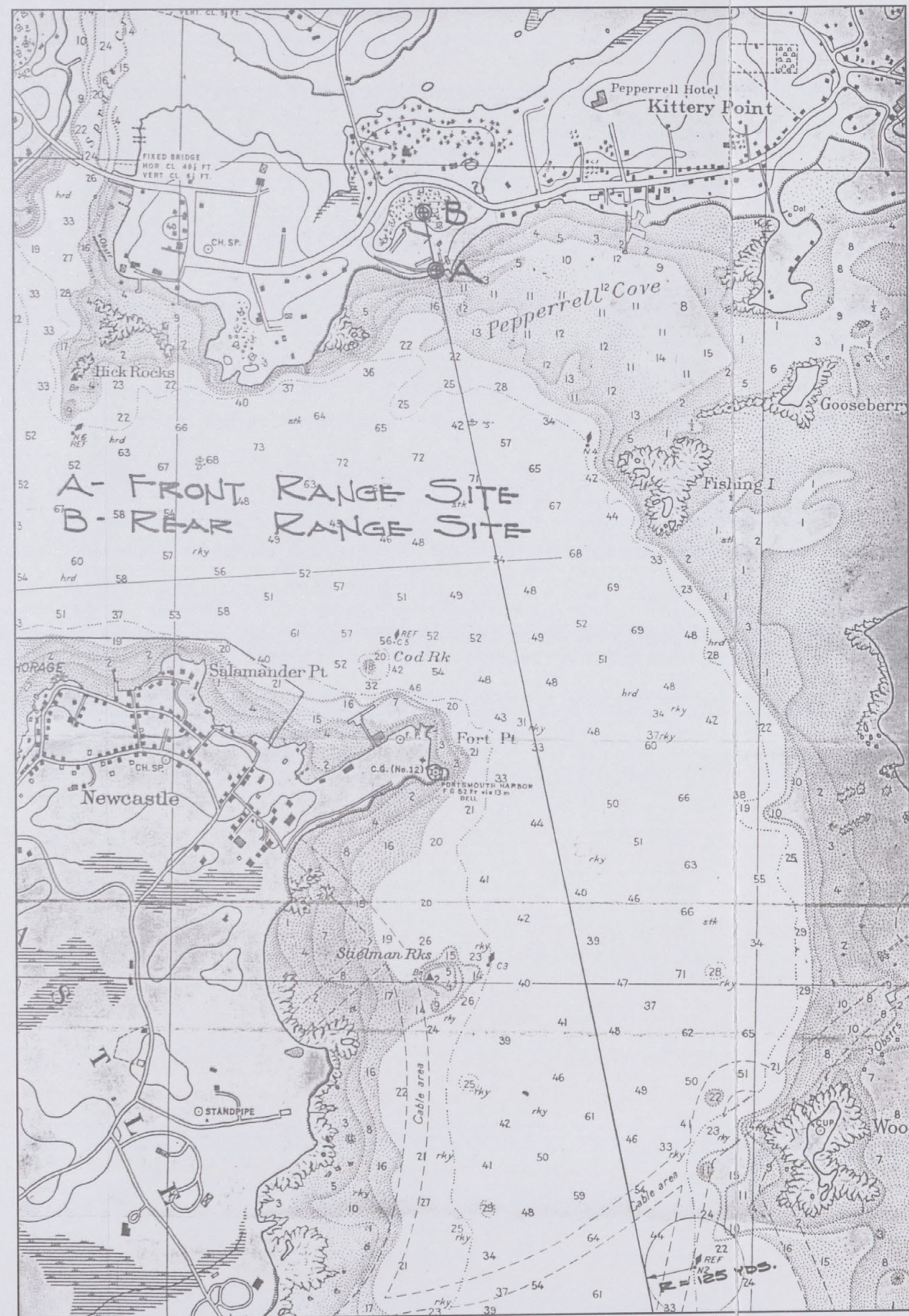
MAP 12. PORTION OF C&GS CHART 211
SHOWING THALWEG

Inset on *United States East Coast: Maine-New Hampshire, Portsmouth Harbor, Cape Neddick Harbor to Isles of Shoals*. Navigational Chart C&GS 211, (Washington, D.C.: Department of Commerce, National Oceanic & Atmospheric Administration National Ocean Survey, 1973), with the deepest portion of channel highlighted in blue.



MAP 13. 1956 PROPOSED RANGE LIGHTS LINE
AS MARKED ON THE
UNITED STATES COAST AND GEODETIC SURVEY CHART 329.

Map referenced in Letter of May 18, 1956 from
Commander, First CG District, to Commandant, First Na-
val District, showing range lights line as proposed in 1956.
(National Archives, Waltham, Massachusetts)



MAP 14. THALWEG AS DEPICTED ON THE
COAST & GEODETIC SURVEY CHART 211
COMBINED WITH 1956 RANGE LIGHTS LINE

Inset on *United States East Coast: Maine-New Hampshire, Portsmouth Harbor, Cape Neddick Harbor to Isles of Shoals. Navigational Chart C&GS 211*, (Washington, D.C.: Department of Commerce, National Oceanic & Atmospheric Administration National Ocean Survey, 1973), with the deepest portion of channel highlighted in blue and the 1956 Pepperrell Cove Range Lights line highlighted in red.

A. Front Range Site

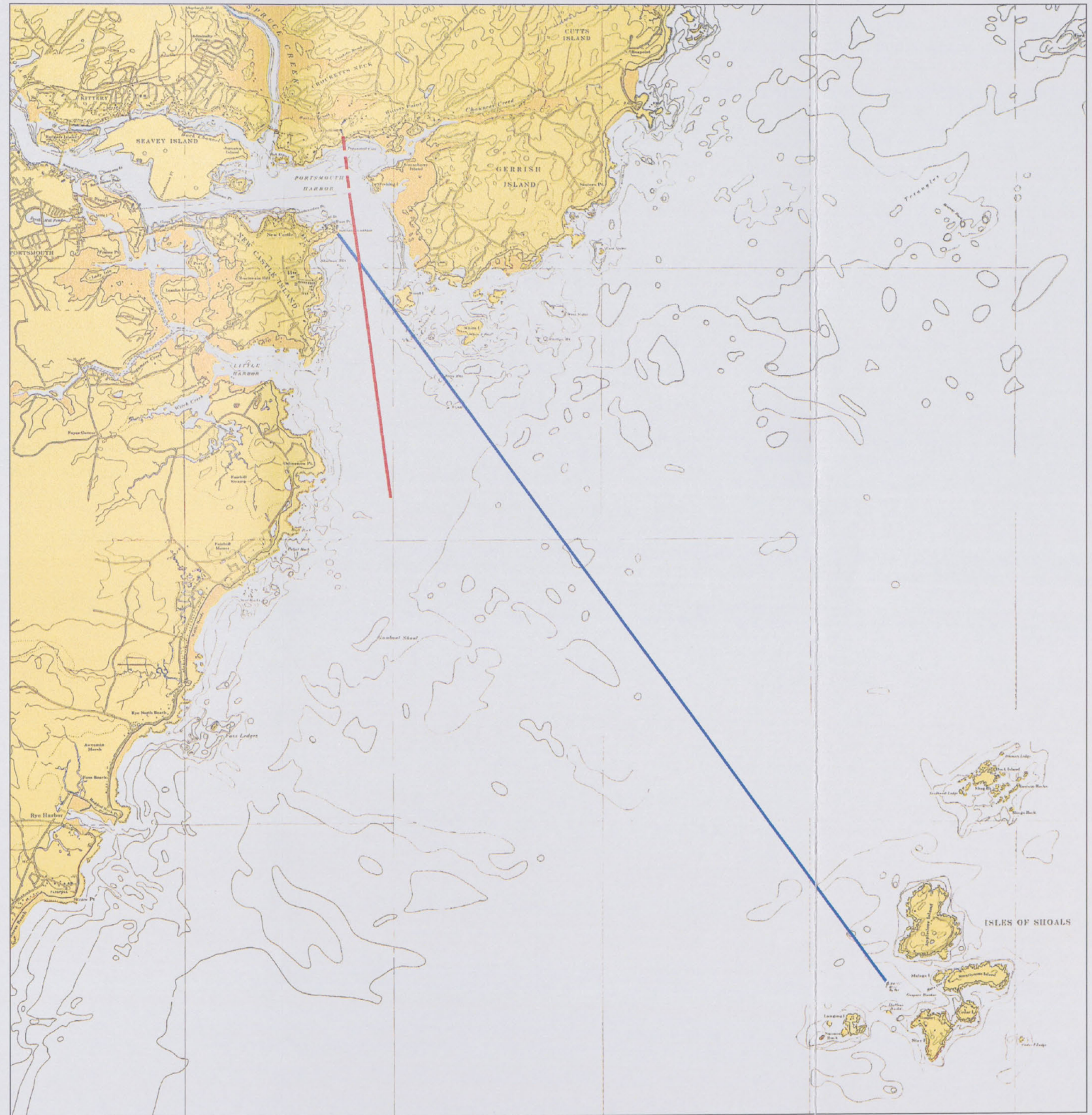
B. Rear Range Site



MAP 15. AMICUS CURIAE "LIGHTS ON RANGE
LINE" AND
COAST GUARD 1956 RANGE LIGHTS LINE

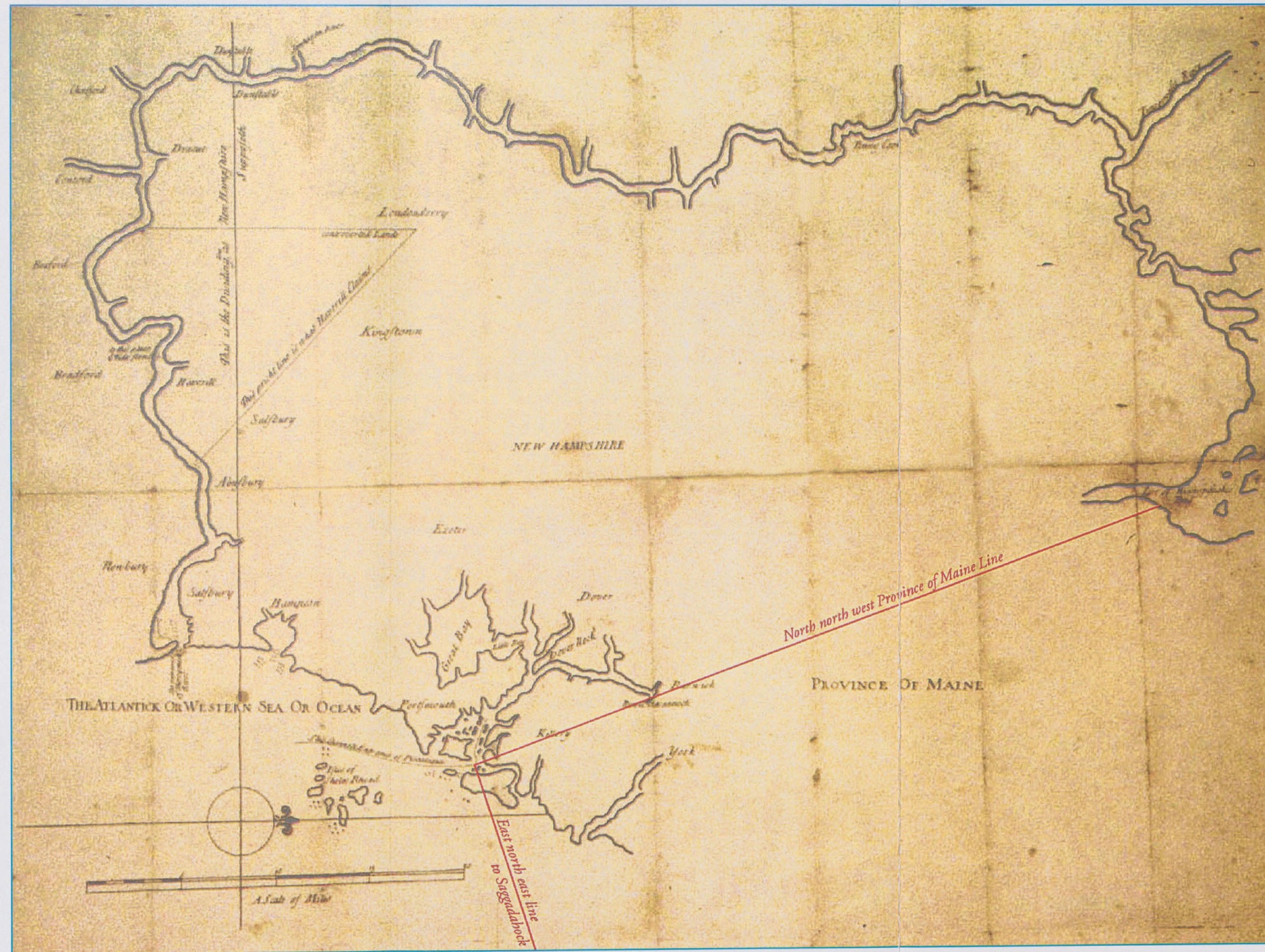
— Amicus Curiae "Lights on Range Line"
(Fort Point Light to Whaleback Lighthouse)

— Coast Guard 1956 Range Lights Line
(Pepperrell Cove Lights A & B)



Map 16. FACSIMILE OF MAP

— Boundary of Maine described in *Massachusetts Bay and New Hampshire: the Case of His Majesty's Province of the Massachusetts Bay, touching the Dispute between that Province and His Majesty's Province of New Hampshire, in relation to their Boundaries on the Settlement thereof made by Commissioners appointed for that Purpose, and on Cross Appeals therefrom* (ca. 1738/9) and drawn on the 1725 untitled map of the Merrimack River and New Hampshire (New Hampshire Historical Society). This line is taken from Draught of that parte of the Province of New Hampshire that lies to the Eastward of the River [Accatuckenuck] from out of Winnipissiokee Pond. And the River Pimegowassel and other rivers that empty themselves down Merrymack River. Drawn by James Jeffry, May the 2nd 1720. (PRO, CO New Hampshire 10, c. 2. See New Hampshire's Map Lodging at p. 67-68.)



MAP 17. A PLAN OF THE RIVERS AND BOUNDARY LINES REFERR'D TO IN Y^E PROCEEDINGS & JUDGMENT OF Y^E COMMISSIONERS FOR ADJUSTING THE BOUNDS BETWEEN THE MASSACHUSETTS BAY AND NEW HAMPSHIRE, ([LONDON]: W. H. TOMS, 1739).

The lines on this map display the boundary claims of New Hampshire and Massachusetts, as well as the Boundary Commissioners' proposed resolution of the respective boundary claims. See New Hampshire's Map Lodging at p. 53-55.



The State of New Hampshire.

MISCELLANEOUS

PROVINCIAL AND STATE PAPERS

1725-1800.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOL. XVIII.

COMPILED AND EDITED BY

ISAAC W. HAMMOND, A. M.,

LIBRARIAN NEW HAMPSHIRE HISTORICAL SOCIETY.

"He who takes no interest in the history of his ancestors does not deserve to be remembered by his posterity."

MANCHESTER:

JOHN B. CLARKE, PUBLIC PRINTER.

1890.

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Timothy Emeson Juner	Stearns Needham	

We the Subscribers think the foregoing requested incorporation will be more for our and the public good than the privileges asked for in a former petition now depending before this honorable House to which we were Subscribers, and therefore humbly request that the Same may be granted in preference to the matter contained in the said former Petition.

Dated May y^e 23^d 1782

Stephen How
Samuel How

[7-12] [*Eleazer Russell to Meshech Weare, 1782.*]

Sir The Law of the State and my duty direct me to apply to you in affairs that relate to the Naval office and Some late occurrences make Such an application now necessary.

My Study has been to look after the Vessels that export corn & provisions to the eastern country lest they Should be carried to the enemy, and there is reason to fear it is often the case. Some of the Vessels that come here from the eastward are frequently taken by the British; Sometimes they ransom or purchase their Vessels, and return again upon the Same trade, and dont appear to be the poorer for the loss; by this means the enemy get Supplied. When they go Safe no people are more punctual in conforming to the Law, or in bringing certificates to cancel their bonds

There are also a number of Vesels that come into this port under pretence of making a harbor, and Sometimes lay several Days, and there is no Doubt that much provisions is carried to them by night, in Small boats, in a way that cant be detected, and no one knows where they go. This perhaps might be remedied by a Sufficient guard at fort point, on Great Island, and no Vessel Sufferd to go out without a pass, as the Law directs; But when I apply to the Cap^m of the Forts upon the Subject, he tells me there is not hands enough to man a boat, & by that means many Vessels come and go without being examined at the office.

Many advantages would result from that point's being fortified — the harbor wants a guard — on the first instant a Brig from Cape Ann, then at anchor there, was attempted at 11 °clock at night by a

six oar'd barge ; the Brig happend to be provided with Small arms, and had more men, & the boat left them & went out of the harbor.

The 7th Inst a Small armd Shooner was in the port and her peoples behaviour was very Suspicious — the masters of Some Vessels at anchor there went on board her, and they gave an odd & very contradictory account of themselves and when the examiners went on shore to inform, the Schooner pushd out to Sea. I had these facts from persons personally present.

Occupying Fort point woud be keeping possession of the Jurisdiction of the river, which Newhampshire ever had ; tho it is now often disputed by individuals of the other State, who claim a right of going to Kittery and Berwick without being subject to the Laws here — but it is a point I have never given up.

From my first appointment to this office, it has been my constant aim to fix Such rules ; agreeable to law ; as shoud be safe for Government, easy to individuals, and to the persons that may Succeed me — For there had as good be no Law if it is not conformd to ; But have never Straind the law beyond its litteral meaning or carried things to extrens. I have Strech'd my thots forward to the time when it may be necessary to lay duties for the public good — Have fixed my attention to the Smaller Vessels which at Such a time will be the greatest transgressors, and aimd at keeping them Steady to the rules of law *now* that they might not complain of order then, and call it innovation. Difficult has been the task — But till lately I have succeeded far beyond expectation, thro all the uproar and turbulence of the times.

Now there are three or four people that murmur at the rules. They are employd in the coasting business, in transporting merchandise from State to State, aud want a pass to run a year without being examined — If it was allowd to a few, all would demand it, and there would be an end to looking after corn, provisions, and prohibited goods. These people now delay to enter their Vessels in Season, and tho the penalties of the law are high they are Something intricate and many innocent people who are freighters woud be principal Suffers — would not lower penalties, clearly expressed answer a good end ?

Two or three of the people alluded to Shew Some uneasiness about fees. When the Naval office was first orderd, by a resolve of the Gen^l Court, early in the year 1776 no fees were mentiond, and I was advised by the State committee to make out a list for the Several papers to be used, that was moderate, which I did, and first shew it to the merchants then in trade, who thot it full low — It afterwards had the Saction of the Hon^{ble} committee of State.

When the office was establishd by Law in Nov^r 1778 this list was before the Hon^{ble} General court ; and on account of depreciation they were pleasd to order three for one. When paper money ceasd to circulate, I knew not what to do. To reduce the law fees by the Scale of depreciation brot them very low, and producd fractions that I could never make even change. Therefore I recurd to the original list which is now enclosd, & it has Since been my rule. Im far from wishing any thing unreasonable or exorbitant, but with that authority woud be pleasd by a resolve to say what shall be legally taken — I have not a desire that the enclosed list should beadvanced, but reducd if thot too much — but only that I may not be a judge in my own case. For much as I have Sufferd by depreciation, and the Sale of estate in consequence of it, to help make out a living, Im not averse to Suffer with the public.

You will please Sir, to Judge what of these affairs is proper for the Hon^{ble} General Court to know and to believe that I am with great personal regard

your Dutiful & most obed^t Serv^t

Portsmouth 10th June 1782

E Russell

Hon^{ble} Coll Weare

[Translation.]

[7-13] [*Letter in Rcgard to the Ship "Ellen," 1782.*]

Fort Royal, Grenada June 15th 1782

Sir I have received the letter which you have done me the honor to write me, that of the Chevalier de la Luzerne, the copy of the petition of Mr John M^cClintock & that of the Extract from the Minutes of Congress, which were all enclosed : If I have deferred so long to give you the Account you ask of me of the reasons which induced me not to deliver the ship Ellen and her Cargo to the revolted Crew (of whom the Sieur M^cClintock was one) who took possession of her & brought her on the coasts of this Island, It was because I was obliged to look over the whole of the proceedings

Here is an Account of the facts upon the examination of the greatest part of the Crew of that Vessel, who agree pretty well together, & which M^r M^cClintock has not Candidly stated in his petition to the Council of N. Hampshire

On the 17th of March 1780, appeared at the head of the Island a Vessel without a flag, it passed pretty near the land, & the battery

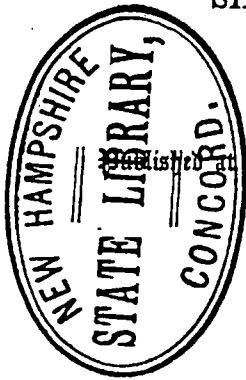
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COLLECTIONS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

SIXTH SERIES. — VOL. VII.



Published at the Charge of the Richard Frothingham Fund.



BOSTON:

PUBLISHED BY THE SOCIETY.

M.DCCC.XCIV.

TO HENRY NEWMAN.

MY VERY GOOD FRIEND, — I find by my Copy Book I wrote you at large in January last, & am sorry you give me just reason to complain that the year is almost roll'd about without a line from dear M^r Newman, which I hope the ships daily expected will bring me. This comes to ask after your health & is under M^r Belcher's cover, & he is order'd to deliver it into your own hands, to pray you to let him have the letter dropt in your lodgings, being from M^r Dudley to M^r Dummer, now deceas'd. It can be of no service to you, but may be considerably so to me, and as it shall alwayes remain a secret how it came to my hands, I fully depend you will show me a new instance of your sincere respect by letting me be possest of it, I am, dear Sir,

Your hearty friend & servant.

J. B.

Boston, Nov^r 20, 1739.

(Hall.

Curling.)

TO RICHARD PARTRIDGE.

SIR, — Yesterday I receiv'd ♀ Macdonald your kind letters of Sept^r 27, Octob^r 2 & 6 (the first being a duplicate). I must thankfully own my great obligations to you for your indefatigable care in all things relating to me & to my government. I am much pleas'd with the steps you have taken to soften Coll. Bl—d—n, & I beleive it has had some success, because I have a long letter from the Board of Trade in a handsomer stile than formerly. You must therefore in all proper ways & means go on to soften him, as I am sensible it must greatly contribute to my ease in the government, & will also strike away a principal prop to my wicked, unjust, unreasonable enemies.

I am determined to set down & write him the handsomest letter I can, leaving it to the perusal of yourself & Counsellour Belcher to be deliver'd or not as you shall think best. By gaining him we may perhaps have the whole Board, & the more easily recover L^d Presid^t. As to the report of the Board, unless they are willing to let it dye where it is, it will be the next best thing strenuously to insist that I be serv'd with a copy, or if they should confirm & return it to the Privy Council, then to urge it with L^d President that I be serv'd with copy to make ans^r. I take a particular notice, brother, of the scheme you have form'd to serve the Massachusetts. The Assembly is to sit here the next week, when I shall communicate it to such members as I have interest with, & do all in my power to promote it. But I must observe to you that the Assemblies of this Province have always been obstinately averse to pass any bill with a saving clause for the King's pleasure, saying to pass bills in such a manner would be to take away one of the greatest priviledges in the Charter. As God in his providence seems to be laying honest M^r Wilks aside from business, I should be glad (if it were possible) to get you in as standing Agent, but almost despair of it, there are so many parties & factions in the present Assembly. Christ^o Kilby goes with Hall as Agent to the Rep^s, & it mayn't be amiss for you to have a proper acquaintance with him. I beleive he & his party are fully sensible he is going on a fruitless errand, yet I am not all displeas'd they send. I don't suppose it would be a difficult thing for the Assembly here to get leave to emit a good sum of bills of c^r, provided they would take effectual care in the act by which they should go out to fix their value unalterably; & bills that are not so are but a publick fraud & cheat to all those that take 'em. But more of this after the Assembly here get together. I shall by the first opportunity send your letter to the Speaker *

* Hon. John Quincy, of Braintree. — Eds.

(who lives 10 miles from hence). As you are Agent to the whole legislature your letters ought alwayes to be directed to the Secretary, & not to any single branch of the government, as the House of Representatives is. You say you are as fully instructed as you possibly can be in the affair of the boundaries, & that you with Mr Solicitor Sharp will exert yourselves to the utmost; and as you write the New Ham^p complaint against me is to come on the first Committee of Council in this month, I hope as soon as that is over you will not fail to push the affair of the boundaries to a final issue. Had it not been for the hopes the clan at New Hampshire entertain'd of gaining some advantage against the Gov^r in the controversy, I am sensible they had never given themselves any trouble about it, so that I suppose they don't at all care whether anything more be done, & especially since I beleive they have no hopes of things going as they would have them. But as it is a vast damage to this Province to have the matter lye as it does, I would once more (even for your own interest) beg you to give it all the dispatch in your power. Upon a Committee from hence some months agoe meeting a Committee from Rhode Island about the pending controversy, they found no real inclination in Rhode Island to have Commiss^{rs} chosen here to adjust the dispute, yet if I am able to judge it would be on all heads best & wisest so to do. Inclosed is Secretary Willard's certificate about my 15 instruction, to be made use of in case the new Agent of the House of Representatives should make any complaint against the Gov^r about it. I am exceedingly oblig'd to you for the warmth with which you express yourself about my New Hampshire commission, which I would not lose for a great consideration, especially to have it rent from me by my enemies. I thank you for what you say about Sh—r—ly, & afterwards in general as to my two commissions; yet it's best to be vigilant at all the publick offices. I am getting

forward as fast as possible with my ans^r to the complaint of the Irish people in our eastern parts. This is a piece of Waldo's malice, but you may depend it will finally do me as much honour as the other Dunbar & Waldo cookt up, & got Gulston & company to subscribe to. I will give this thing all the dispatch I possibly can, but shall not be able to send it away in less than three weeks or a month, because a man is gone this day to S^t George's River, about 60 lea. from hence, to bring me up some things necessary to the compleating my answer. You must therefore take care the matter be not hurry'd on to a hearing till you receive my answer. I see there is yet no war with Spain, & since a peace is concluded on between the Turks, Russians, & Germans, perhaps France won't be very ready to join with Spain. This therefore seems to be the opportunity for G^t Britain's obtaining justice from the Court of Spain. I am sorry the cyder was mostly lost in the passage. I thought it would be best preserv'd in bottles; but I'll send some more in the season in cask. I like well M^r Belcher's presenting the pickles to Lady Wager, & I shall send what birds I can next summer. You say nothing, brother, of the rocquelo* I wrote for, which I very much want, because I have none fit to wear this winter. I hope you will not fail to send it by next ship. It's hardly worth while to disappoint me in such trifles, because I must have such things as are necessary, & am loth to make any little remittances for them to any body else. I would repeat to you I have a great dependence on the seeds I have desir'd you to send by first in the spring for my farm. I am, Sir,

Your loving broth^r. J. B.

Boston, Nov^r 26, 1739.

(Hall. Curling.)

* An overcoat, more properly called roquelaure, from the Duc de Roquelaure, who introduced its use in the time of Louis XIV. Governor Belcher not only imported wearing apparel from the mother country for himself, his wife, and servants, but he also ordered household furnishings. — Eds.

imagine I should. I am indeavouring every day to turn any of my estate in this town into money to some value to discharge your bills, & I will not rest till it's done, for I am most earnestly desirous to make you easy. I remain, with an unfeigned respect, Sir,

Your broth^r & friend.

J. B.

So soon as it's the proper season I will send you a bbr. of good cranberries.

Herewith comes mine to Doddington w^c you & M^r Belcher will do with as you shall judge proper.

Boston, May 7, 1740.

(Brown.

Paice.)

TO JONATHAN BELCHER, JR.

MY DEAR SON, — Yesterday arriv'd Cap^t Renwick from Londⁿ, & brought me your letter of 24 Dec^r in ans^r to several of mine, as far as 30 October. I find ~~th~~ my copy book that I have since wrote you ~~th~~ Hall, Curling, & Hoar, of Nov. 20, 26, Dec^r 3 & 11, which were got to your hands (besides several since), & as this ship did not leave London till 25 March it is matter of great surprize, & what I can't account for, that after my solemn threatnings & earnest intreaties to the contrary you should dare to let my letters be unanswer'd. If you can find a better friend or a better father, you may cleave to him, but I will not be so treated. I am in earnest, & pray you to beleive me.

As to the matter depending with M^r Lloyd's Execu^r, I have a good prospect of compleating a bargain for my estate at Mortlake in a few weeks, and to get discharg'd from that debt, which hangs on my head & heart more than any other particular affair of my life, and I am determin'd to get thro' it as soon as possible. I have a

handsome letter from the Execu^r & another from M^r G. Lloyd to which I shall make ans^r by the next ship. I say I think I have now a fairer prospect to get thro^t the business than at any time heretofore. It is an odd ungratefull way you practice of saying one time after another you'll write D^r Colman, and commonly make it so long as you had as good not do it at all. Such fidling, trifling, unmanly practices make me asham'd & sick. Do you see me do so with any body? No. I rather abound in a strict faithfull correspondence with every friend I have, & it is something owing to my aversion & hatred to any thing that carryes the face of indolence or laziness. The letter D^r Colman wrote Governour Holden was not (as I thought) upon your account, but mine, as I have since been told, & was for an antidote to a poison that had been administred to prejudice the Gov^r against me, being an anonymous letter sent him of the most scurrilous, villainous kind that ever was penn'd, & it has had its effect, for your uncle writes in Jan^r that the Gov^r was sower, out of humour, & blam'd me. What shall we say, Jon^a, to the practice of such secret, hellish wickedness? Why, God suffers it for the punishment of my sins, therefore I will not murmur or complain, but pray for his grace that I may forsake & abhorr every thing that may offend His holiness & purity. D^r Colman is very good & has been indeavouring & still is to undeceive the Gov^r. Time must discover whether he succeeds. I shall be glad to receive your letter to him with the Magazine. Cap^t Coram justly deserves the respect of the nation, and to be handsomely taken care of for his life. I am well pleas'd with the handsome speech you made for him to the D. of Bedford. I am glad you see your folly in the letter to B—ll—m. Remember therefore to be very cautious in taking steps with any body here but under my cover, alwayes beleiving a man near 60 must generally be of service in his thoughts to the rawness of a man at

30; & here I can't help mentioning with the greatest concern & affection to you your conformity to the C^m of England; & with^t a previous lisp to me in so considerable an alteration, it was the greatest folly you could be guilty of, & could I have imagin'd it you had never sat your feet off your native countrey. It has vastly hurt you in your temporal interest (I wish it ha'n't otherwise); it has made all the Dissenting interest *cool* towards you in Engl^d & here, & in that way it has also greatly disserv'd me, and your hugging Checkley* in the manner you did was a piece of most imprud^t conduct, — a man that had been a non-juror here for a long time & odious to this whole countrey. Oh, Jon^a, learn to be thoughtfull, cautious, & wise; but these things grieve me & I must not dwell upon them. I rejoyce that you begin to see your folly, & that you think as formerly that the Dissenters are the best liver. What will it avail a man in the great day of accounts to have had the form of godliness without the power? and as to doctrine, I know not wherein the Dissenters & Chh differ, if the latter will stick to their 39 Articles. I shall say no more on this head, but commend you to y^e guidance & teaching of God. No doubt S^r Rob^t & L^d Presid^t & perhaps the Duke have been serv'd with letters of the same kind as those to S^r C. W. & to the Gov^r. However, I think to venture to write them again. I highly approve your showing me the darkest side of things, for I hate to be flatter'd. Nothing can be of a more pernicious & ruinous nature for a man's conduct in life. I find the boundaries between the Provinces are settl'd intirely in favour of New Ham^p; so I daily expect to hear the appointm^t of a new Gov^r there; nor should I be surpriz'd, when I view the infernal arts that have been practis'd & the p^sent

* Rev. John Checkley, a native of Boston, where he was born in 1680. In 1724 he was fined by the Supreme Court for a libel on the ministers and people of New England. In 1727 he went to England to obtain Episcopal ordination, but was refused by the Bishop of London. Subsequently he was ordained by the Bishop of Exeter, who sent him to Narragansett. He died in Providence in 1753. See Allen's Biographical Dictionary. — Eds.

situation of affairs, that the same is done for this Province. I pray God to inable me by His grace to possess my soul in patience. One great concern to me is how you will be able to steer under such a difficulty, for it will not be possible for me to support you any longer. You must come home, unless you can get your living in Westminster Hall, & it seems hard to me that after nine years study you should not. However, either in that way or by marrying to advantage you must be able to stay o' that side the water or come hither. And I shall now proceed on the grave affair of marrying. Your tho'ts are just, that it is a transaction of the last importance & w^t you mention for the spring & motive of your proceedings is truly right. I intirely give over Rhohampton * & approve the matter with Miss Hatfield. The character you give of the way & manner of her education, her good sense, temper, &^{ca}—are unfading things, and £6000 (tho' not a great) is a handsome fortune & with industry in your business might support you. I have therefore wrote the inclosed, which you may use as you please. I am oblig'd to M^{rs} Carter for her kind regards to me. Her nephew that liv'd with me about 30 years agoe & dy'd afterwards at BB^s was a promising young gent^m. Thus I have answer^d every thing necess^a in yours. I will onely say that I am plain & open, while I confirm what I have said must certainly be your lot in case of a supersedeas. I wish you all the blessings of this & a better life, & am alwayes, my dear son,

Your very affectionate father.

J. B.

Boston, May 8, 1740.

You will, my son, consider the charge of a marry'd state & be well satisfy'd in y^t part which is necess^a to

* Governor Belcher had several times referred to the possibility of a marriage of his son to one of the daughters of Samuel Holden, whose country residence was at Roehampton.
—Eds

support it. How old is the young lady? and how old her Aunt Carter, & is she a widow? & what is her husband's Christian name?

(Brown. Paice.)

TO MISS HATFIELD.

MAD^m, — You may be surpriz'd at the receipt of a letter from one so pfect a stranger to you as I am; nor should I give you this trouble but at the request of my son, Councillour Belcher of the Middle Temple, who writes me by the last ship from Lond^a of his intention to make his addresses to Miss Hatfield, of whom he gives me such an ingaging character, & prays for my consent in his proceedings, that I have freely given it. And that you may be no stranger to my son, I think myself bound in justice to say he has been strictly sober & vertuous from his youth; of good capacity & diligence in his studies; has been now 9 years at the Temple, and I am told is an able lawyer for his standing. I know him to be of a fine good temper; is in the 30th year of his age. His person & behaviour I leave to your own observation. He is very dear to me, & I shall alwayes do every thing in my power to promote his welfare & prosperity. You will please Mad^m to make my complim^{ts} acceptable to Mad^m Carter, your worthy aunt, whose nephew M^r Benj^a Carter was my apprentice about 30 years agoe & soon after dy'd at BB^r. He was a promising young gent^m. You will please to pardon a freedom of this kind, & when you may think proper I shall esteem the favour of a line from you. That every circumstance in life may keep pace with your own wishes is the desire of, Mad^m,

Your very hum. serv^t.

J. B.

Boston, May 8, 1740.

(Brown. Paice.)

FOR ARGUMENT

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April 11, 2001

OVERNIGHT MAIL

The Honorable Frank Lorson, Clerk
United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Re: *State of New Hampshire v. State of Maine*, Original No. 130

Dear Mr. Lorson:

On April 4, 2001, we received one copy of "New Hampshire's Map Lodging for Oral Argument." Obviously, we have only a short period of time before oral argument to review New Hampshire's present effort to draw various lines referred to in prior pleadings, briefs, argument and decree. Our preliminary assessment, however, leads us to believe that several of the maps may be incomplete or inaccurate. We are writing to inform the Court of our concern.

Thank you.

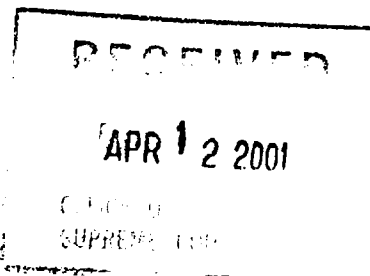
Sincerely,

Paul Stern / by C. Taub

PAUL STERN
Deputy Attorney General

PS:mhs

cc: Leslie J. Ludtke, Esq. (by fax and mail)
Jeffrey Minear, Esq. (by mail)
John Harrington, Esq. (by fax and mail)
Denise McNerney, Deputy Clerk



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