

The History of Perambulation in New Hampshire

By Brian Burford

New Hampshire's perambulation requirement began with an act of the Massachusetts Bay Colony in 1651. At that time, no government had been established in what would become New Hampshire, and the four or five established towns were taken under the wing of the Massachusetts Bay Colony. The legislature of the Colony required all towns to select people to perambulate their boundaries once every three years. By 1701, the King had decided that New Hampshire was not part of Massachusetts Bay. By then, local and state governments in New Hampshire had begun to function on their own. In that year, the General Court passed an act requiring annual town line perambulations. This stringent schedule was relaxed by an act in 1719, returning to the three-year cycle.

The American Revolution must have been very disruptive to life in New Hampshire, such that renewal of town line locations was probably not a high priority. By 1791, with independence established and life returning to normal, the legislature passed an act requiring all town lines to be perambulated within two years of the passage of the act, and every seven years thereafter. The responsibility fell to the selectmen, or those people they appointed to represent them. This act was amended in 1796 to address the lines of towns lying against unincorporated places. The rules regulating disputed town boundaries were revised in 1820 to allow disputes to be settled by the Court of Sessions.

The New Hampshire legislature passed an act on December 30, 1803, requiring every town in the state to procure a survey, showing a variety of landmarks, including bearings and distances along the town lines. Any lines in dispute were to be clearly marked on the survey plan. The plans were to be returned to the Secretary of State by 1805. In 1808, the legislature passed an act authorizing the Secretary of State to notify the towns with discrepant boundaries to resolve them, or hire a survey to be done at the towns' expense.

An act of June 26, 1827, repealed and re-wrote the perambulation rules and instructions. No significant changes were made, as the new rule still required the selectmen, or people appointed by them, to perambulate once every seven years. The proceedings were to be recorded in the respective town record books. Disputes between adjoining towns over their common boundary lines could be referred to the Court of Common Pleas for a decision. In 1881, the legislature decided that county commissioners should perambulate the lines of unincorporated places.

The most recent changes to the laws of perambulation came in 1969 when the legislature required towns to file the perambulation report with the Secretary of State. In 1998, the Board of Tax and Land Appeals was granted the power to determine town lines equal to that of the Superior Courts.

In the last five years, the state legislature has considered updating these mandates, without being able to reach a consensus. In one, a town asked the legislature to abolish the requirement to perambulate, asserting that town line disputes were so long ago settled there was no longer a need to walk the lines. The very next year, this same town brought a bill before the legislature to settle a boundary with a neighboring town.

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How Many Perambulatable Lines Are There in New Hampshire?

The New Hampshire state archivist places this official count at 624 distinct town lines. Of these, 589 run over land (at least in part). Here's how the state arrived at these figures:

(1) The entire distance between two towns is counted as one line, regardless of how many corners lie along that boundary. For example, the boundary separating Moultonborough and Tuftonborough starts out as a straight line running southwesterly, but then snakes through Lake Winnepesaukee between islands. The entire distance is called "one line" in Burford's tabulation.

(2) Lines include all boundaries that are more than a single point, regardless of length. The line between Moultonborough and Alton also counts as one line, even though one map shows that it may be only a few yards in length, and lies entirely in Lake Winnepesaukee.

(3) For the purpose of this count, Burford subtracted the boundaries that lie entirely in water. "Even though the statute does not exclude those boundaries, to my knowledge we haven't had any recent attempts to walk on water," notes Burford.