Allegany and Garrett County Line

The following is a summary of the facts and documents, which I have reviewed, concerning the 18-1/2 mile division between Allegany and Garrett Counties.

The Maryland General Assembly, Session Laws of 1872, Chapter 212 defined the new county line as "…beginning at the summit of Big Back Bone or Savage Mountain, where the mountain is crossed by Mason's and Dixon's line, and running thence by a straight line to the middle of Savage River where it empties into the Potomac River;" The Act further stated "…the County Surveyor of Allegany county shall at once run and locate the lines of the proposed new County of Garrett, … and shall make a plat of said lines and report the same to the Governor, the County Commissioners and the Clerk of the Circuit Court for Allegany county, to be by him recorded in the land records of said county, said report to be made under oath."

The Maryland General Assembly, Session Laws of 1898, Chapter 304 refers the field survey provisions in the previous Act of 1872, Chapter 212, along with the required filing of the returns and plats as follows "… which provisions were complied with, but the said returns and plats have not been returned in compliance with the requirements; …"

Daniel Chisholm Esq., Surveyor of Allegany County, performed the field survey in 1872 and documented in the report, made under oath, of January 4, 1873 to the Commissioners of Allegany County. It appears, from the documents I have obtained, the returns and plats were not presented to the Governor and/or the Clerk of the Circuit Court for Allegany County and therefore, the possible Maryland General Assembly reason for passing the Acts of 1898, Chapter 304.
There also was a field survey of the county line performed by John Harned, County Surveyor for Garrett County in 1878. The Harned survey added 4266 1/8 acres of land to Garrett County when compared to the 1872 Chisholm survey. John Harned prepared a map and filed it with the County Commissioners of Garrett County, but his work was not adopted by either county.

The Acts of 1898, Chapter 304 also enacted another survey "… That immediately after the passage of this Act the Governor shall appoint or procure the services of a competent and skillful civil engineer or surveyor, who shall at once survey and definitely locate on the ground the boundary line between Allegany and Garrett counties, …"
It is interesting that the act authorized $1000 dollars for the cost of "… the necessary chain men and ax men or other necessary assistance, and procure the stones for marking the line…" The survey of the 16-1/2 mile line between Baltimore and Carroll Counties cost $115.50 in 1841.

L.A Bauer was the surveyor in charge of the 1898 field survey of the division line between Allegany and Garrett Counties. The work was performed by the Maryland Geological Survey with the assistance of L.L. Bell (also spelled Beall), surveyor for Allegany County and W. McCulloh Brown, surveyor for Garrett County. The report of the survey was recorded among the land records of Garrett County in Liber 36 folio 169.

The Maryland General Assembly, Session Laws of 1906, Chapter 730 was enacted to allow "… all the qualified voters of the State of Maryland, residing westward of straight lines drawn across the territory…. to cast one ballot for or against the embracing or including all of that territory of the State of Maryland lying westward of the above described lines within the territory known and designated as Garrett County…"
It appears that the General Assembly was responding to a law suit between Garrett County and The Consolidation Coal Company over which county was to be taxing the Coal Company and allowing the voters to deciding for or against adopting the "Bauer" survey line.
It would be interesting to know the results of the voting, since it the voters may have chosen the old Chisholm line. I am attempting to tract down the ballot results.

(In June 2008 a reference archivist at the Maryland State Archives replied to an inquiry about the 1906 ballot. The archivist pointed to the Session Laws of 1945, where Governor Herbert R. O'Conor vetoed Senate Bill 564, a bill to repeal the Allegany County boundary-election sections of the Code of Public Local Laws. The veto message says the Attorney General had found, from the Land Commissioner's records, that the 1906 election was never held. Source: Archives of Maryland, vol. 589, p. 1973. That explains why no returns for the ballot question appear in the 1906 election results.)

The Commissioners of Allegany County authorized a resurvey of the boundary line between Allegany and Garrett County in October 1906. The Commissioners of Allegany County directed William Harvey, Surveyor of Allegany County, to run the Chisholm line and make a plat of it.
When Daniel Chisholm performed his survey in 1872, the line was marked by blazes (cross marks) in trees. The blazes could be traced or located during the 1906-1907 Harvey survey, as well as be pointed out by several witnesses on the ground, who lived near the line when the survey was made in 1872. The Harvey survey was to place "suitable monuments in each mile of the line". Stones were set at each mile along the line, a report and plat was prepared and recorded among the land records of Allegany County in Liber 100 folio 667.

The Maryland General Assembly, Session Laws of 1955, Chapter 708 mentions the survey enacted by the Act of 1872 (Chisholm) and the survey enacted by the Act of 1898 (Bauer). The 1955 law states that "…the old and incorrect survey made immediately following 1872…" was still being observed as the present boundary line in 1955. The Acts of 1955, Chapter 708 enacted "That the boundary line between Garrett County and Allegany County is declared to be the line as surveyed and described…. by the so-called Bauer Report…"

The only additional I have found concerning the current "friendly suit" between Allegany and Garrett counties is that Allegany County wants to recognize the 1872 (Chisholm) line and the 1955 law established the existing boundary as the 1898 (Bauer) line. This is the basis of the suit.