

New Jersey-Pennsylvania Boundary Agreement of 1783

Act of Sep. 17, 1783,

2 Sm.L. No. 1024 Cl. 71

AN ACT To ratify and confirm an agreement, made between commissioners appointed by the legislature of the state of New Jersey, and commissioners appointed by the legislature of the state of Pennsylvania, for the purpose of settling the jurisdiction of the river Delaware, and islands within the same.

Section 1.

WHEREAS commissioners duly appointed on the part of the state of New-Jersey, and commissioners duly appointed on the part of the state of Pennsylvania, for the purpose of settling the jurisdiction of the river Delaware, and islands within the same, have executed two instruments of an agreement for the purposes aforesaid, one for each state, which agreement is contained in the following words: An agreement made and concluded between George Bryan, George Gray, and William Bingham, commissioners appointed by the legislature of the state of Pennsylvania for settling the jurisdiction of the river Delaware, and islands within the same; and Abraham Clark, Joseph Cooper, and Thomas Henderson, commissioners appointed by the legislature of the state of New-Jersey, for the like purpose.

WHEREAS inconveniences and mischiefs have arisen, and hereafter may arise, from the uncertainty of jurisdiction within and on the river Delaware: Therefore, to prevent the same, and in order that law and justice may in all cases hereafter be executed and take effect within and upon the said river, from shore to shore, in all parts and places thereof, where the same river is the boundary between the said states, the said commissioners do agree and establish, for and in behalf of their respective states, in manner following; that is to say,

First. It is declared that the river Delaware, from the Station-Point, or northwest corner of New-Jersey, northerly, to the place upon the said river where the circular boundary of the state of Delaware toucheth upon the same, in the whole length and breadth thereof, is and shall continue to be and remain a common highway, equally free and open for the use, benefit and advantage of the said contracting parties. Provided nevertheless, That each of the legislatures of said states shall hold and exercise the right of regulating and guarding the fisheries on the said river Delaware, annexed to their respective shores, in such manner, that the said fisheries may not be unnecessarily interrupted during the season for catching shad, by vessels riding at anchor on the fishing ground, or by persons fishing under claim of a common right on said river. (Par. revoked in part June 30, 1955, P.L.216, No.69 and July 5, 1957, P.L.519, No.292)

Secondly. That each state shall enjoy and exercise a concurrent jurisdiction within and upon the water, and not upon the dry land, between the shores of said river, but in such sort, nevertheless, that every ship and other vessel, while riding at anchor before any city or town in either state, where she hath last laded or unladed, or where it is intended she shall first thereafter either lade or unlade, shall be considered exclusively within the jurisdiction of such state; and every vessel fastened to or aground on the shore of either state, shall in like manner be considered, exclusively, within the jurisdiction of such state, but that all capital and other offences, trespasses or damages, committed on said river, the

juridical investigation and determination thereof shall be exclusively vested in the state, wherein the offender or person charged with such offence shall be first apprehended, arrested or prosecuted.

Thirdly. That all islands, islets, and dry lands, within the bed and between the shores of the said river, and between the said Station-Point northerly and the falls of Trenton southerly, shall as to jurisdiction, be hereafter deemed and considered as parts and parcels of the state to which such insulated dry land doth lie nearest, at the time of making and executing this agreement; and that from said falls of Trenton to the state of Delaware, southerly, Bile's island, near Trenton, Wind-Mill island, opposite to Philadelphia, League island, Mud or Fort island, Hog island, and Little Tinnicum islands, shall be annexed to the sate of Pennsylvania, and considered as parts and parcels thereof; and that Biddle's or Newbold's island, Burlington island, Petty's island, Red Bank island, Hermanus Helm's island, Chester island, and Shiever's island, shall be annexed to the state of New-Jersey, and considered as parts and parcels thereof; and that all other islands within the said river between the falls of Trenton and the state of Delaware, which are not herein before particularly enumerated, shall be hereafter deemed and considered as parts and parcels of the state, which such island doth lie nearest at the date hereof; and that all islands which may hereafter be formed within the said river, shall be classed and annexed to the jurisdiction of either state, according to the same principle.

Fourthly. That this present agreement, and every article and clause therein contained, shall be suspended, and take no effect, until each of the legislatures of the state of Pennsylvania and New-Jersey, respectively, shall have passed laws approving of and ratifying the same, which being done, the said agreement shall then be considered as a joint compact between the said states and the citizens thereof, respectively, and be for ever thereafter irrevocable by either of the said contracting states, without the concurrence of the other.

In witness whereof, we, the commissioners of the aforesaid states, have set our hands and seals to two instruments of the agreement, one for each state, dated this twenty-sixth day of April, Anno Domini one thousand seven hundred and eighty-three.

Abraham Clark, (L.S.)

George Bryan, (L.S.)

Joseph Cooper, (L.S.)

George Gray, (L.S)

Thomas Henderson, (L.S.)

William Bingham, (L.S.)

Section 2. Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the aforesaid agreement, and every article, clause, matter and thing, therein contained, shall be, and the same is hereby, fully and amply ratified and confirmed, and shall be, and ever hereafter remain, in force, agreeably to the true tenor and extent thereof.