

BOUNDARY BETWEEN PENNSYLVANIA AND OTHER STATES CONFIRMED
Act of Jun. 6, 1887, P.L. 353, No. 245

C1. 71

AN ACT

To confirm the boundary lines between this Commonwealth and the States of New York, Ohio and West Virginia, as re-surveyed by the joint commissions appointed for that purpose, and to ratify and confirm the agreement entered into by commissioners on the part of the Commonwealth of Pennsylvania and the State of New York in relation to the boundary between said States.

WHEREAS, The Governor of this Commonwealth, under and by virtue of an act of the General Assembly, approved the eighth day of May, one thousand eight hundred and seventy-six, appointed James Worrall, Christopher M. Gere, and Robert N. Torrey, commissioners, to act in conjunction with similar commissioners of the State of New York, to examine as to the true location of the monuments which mark the boundary between this Commonwealth and the State of New York, and to replace any monuments which may have been dilapidated or removed on the boundary lines between said States;

And whereas, The said commissioners on the part of this Commonwealth, Henry R. Pierson, Elias W. Leavenworth and Chauncey M. Depew, commissioners on the part of the State of New York, entered into an agreement on the twenty-sixth day of March, one thousand eight hundred and eighty-six, which was signed by all the said commissioners named, (except James Worrall, one of the commissioners on the part of this Commonwealth, who died during the progress of the work on said boundary line, to wit, April first, one thousand eight hundred and eighty-five,) wherein it is stipulated that the said agreement will become binding on the part of both States when ratified by the Legislatures thereof, respectively, and when confirmed by the Congress of the United States, and which agreement is hereby recited:

Now therefore, The said commissioners for and on behalf of their respective States, having duly performed the duties imposed upon them by the said acts, and having examined said boundary line and replaced, in a durable manner, the monuments to mark the same, in pursuance of the authority duly given, as aforesaid, have agreed and do hereby agree, as follows:

I. The channel of the Delaware river, from a line drawn across said channel, from a granite monument erected upon the eastern bank of said river in the year one thousand eight hundred and eighty-two, by the joint boundary commission of the States of New Jersey and New York to mark the western extremity of the boundary line between said States of New Jersey and New York, in a westerly prolongation of said boundary line up and along said channel of said Delaware river as it winds and turns, for a distance of eighty-five miles or thereabouts, to a line drawn east across said river from a granite monument erected upon the west bank of said river in the year one thousand eight hundred and eighty-four, by H. W. Clarke and C. M. Gere, to mark the eastern extremity of the first line hereinafter described, shall continue to be a part of the boundary or partition line

between the said two States: Provided however, That the limit of territory between the said two States shall be the center of the said main channel: And provided further, That each State shall enjoy and exercise a concurrent jurisdiction within and upon the water of said main channel between the lines of low water at either bank thereof, between the limits hereinbefore mentioned.

II. The line extending from the Delaware river aforesaid, at a point upon said river fixed and marked with monuments (which have since disappeared,) by David Rittenhouse and Samuel Holland, in the month of November, in the year seventeen hundred and seventy-four, west, as the same was surveyed and marked with monuments in the year seventeen hundred and eighty-six, as far as the ninetieth mile-stone, by James Clinton and Simeon De Witt, commissioners on the part of the State of New York, duly appointed for that purpose by the Governor of said State, in pursuance of an act of the Legislature of said State, entitled "An act for running out and marking the jurisdiction line between this State and the Commonwealth of Pennsylvania," passed seventh March, seventeen hundred and eighty-five, and David Rittenhouse, Andrew Porter and Andrew Ellicott, commissioners on the part of the Commonwealth of Pennsylvania, duly appointed for that purpose by the Supreme Executive Council, "to appoint commissioners to join with the commissioners appointed, or to be appointed, on the part of the State of New York, to ascertain the northern boundary of this State from the river Delaware westward to the northwest corner of Pennsylvania," passed thirty-first March, seventeen hundred and eighty-five, and from the said ninetieth mile-stone west, as the same was surveyed and marked with monuments and posts in seventeen hundred and eighty-seven by Abraham Hardenbergh and William W. Morris, commissioners on the part of the said State of New York, duly appointed in the place of Simeon De Witt and James Clinton aforesaid, by the Governor of said State in pursuance of the act aforesaid, and the act supplementary thereto, passed by the Legislature of said State, twenty-first April, seventeen hundred and eighty-seven, and Andrew Ellicott and Andrew Porter aforesaid, commissioners on the part of the Commonwealth of Pennsylvania, to the point at which said line is intersected by line of cession or meridian boundary hereinafter described, which said line so surveyed and marked in the years seventeen hundred and eighty-six and seventeen hundred and eighty-seven has since been acknowledged and recognized by the said two States as a part of the limit of their respective territory and jurisdiction, shall notwithstanding any want of conformity to the verbal description as written in the charter of the Province of Pennsylvania, granted to William Penn in the year sixteen hundred and eighty-two, or as recited by the commissioners aforesaid, continue to be the boundary or partition line between the two said States, from the Delaware river aforesaid, to the said point of intersection with the said line of cession: Provided, That wherever upon said line the locations of any of the monuments, or posts, erected by the said commissioners in seventeen hundred and eighty-six and seventeen hundred and eighty-seven have been lost and cannot otherwise be definitely fixed, then and in that case, and in every case where it is required to establish intervening points in said line, a straight line drawn between the nearest adjacent monuments whose

localities are ascertained shall be understood to be, and shall be, the true boundary line.

III. The line of cession, described as a meridian line, drawn from the forty-fifth degree of north latitude, south through the most westerly bent or inclination of lake Ontario, in the deed of cession to the United States of certain territory claimed by the State of New York, lying west of said line, executed first March, seventeen hundred and eighty-one, by James Duane, William Floyd and Alexander McDougal, delegates in Congress of said United States from the said State of New York, in pursuance of an act of the Legislature of said State, entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," passed February nineteenth, seventeen hundred and eighty, which said territory was afterward conveyed by the United States aforesaid to, and became a part of the territory and jurisdiction of the said Commonwealth of Pennsylvania, as the said line was surveyed and marked with posts and monuments of stone in the year seventeen hundred and ninety, by Andrew Ellicott, who was duly appointed for that purpose by the President of the United States, in pursuance of a resolution of Congress, passed nineteenth August, seventeen hundred and eighty-nine, which said line, and its prolongation due north into the waters of Lake Erie until it intersects the northern boundary of the United States aforesaid, have since been acknowledged and recognized by the said two States, as a part of the limit of their respective territory and jurisdiction, shall, notwithstanding any possible want of conformity to the verbal description thereof, as contained in said deed of cession, continue to be the boundary or partition line between the said two States, so far as said line so surveyed and marked in seventeen hundred and ninety shall extend.

IV. The monumental marks by which the said boundary line, except such portions thereof as may be within the waters of the Delaware river, and Lake Erie, shall hereafter be known and recognized, are hereby declared to be:--

I. The original monuments of stone, erected in the years seventeen hundred and eighty-six and seventeen hundred and eighty-seven by the commissioners aforesaid, and in the year seventeen hundred and ninety by Andrew Ellicott aforesaid, as the same have been restored and re-established in their original positions, or have been replaced by granite monuments erected in the years eighteen hundred and eighty-one, eighteen hundred and eighty-two, eighteen hundred and eighty-three, eighteen hundred and eighty-four and eighteen hundred and eighty-five, by H. Wadsworth Clarke, surveyor on the part of New York, and Christopher M. Gere, surveyor on the part of Pennsylvania, duly appointed by the parties hereto.

II. The new monuments of granite, erected in the years eighteen hundred and eighty-one to eighteen hundred and eighty-five, inclusive, by the aforesaid surveyors, at intervals of one mile, more or less, and numbered consecutively, along said line originally surveyed and marked in the years seventeen hundred and eighty-six and seventeen hundred and eighty-seven, beginning from the Delaware river, and severally marked on the north side with the letters "N. Y.," and on the south side with the letters "PA.," and along said line originally surveyed and marked in the

year seventeen hundred and ninety, beginning at the shore of lake Erie, and severally marked on the east side with the letters "N. Y.," and on the west side with the letters "PA.,"

III. The new monuments of granite erected by the said surveyors, in the years eighteen hundred and eighty-one to eighteen hundred and eighty-five, inclusive, aforesaid, at the intervening points on said line, and at its intersection with public roads, railroads and rivers, and at other points, and severally marked on the one side with the letters "N. Y.," and on the other side with the letters "PA."

IV. A large monument of granite, erected in the year eighteen hundred and eighty-four by the said surveyors six hundred feet west of the center of the Delaware river in the said line originally fixed in the year seventeen hundred and eighty-six, to mark its eastern terminus; a large monument of granite erected in the year eighteen hundred and eighty-four by the said surveyors in the said line or meridian boundary, as originally fixed in the year seventeen hundred and ninety, one hundred feet north from its intersection with the line originally surveyed as aforesaid, in the year seventeen hundred and eighty-seven, which said point of intersection is marked by a small monument of granite buried in the center of the highway, in eighteen hundred and eighty-four by the said surveyors; and also a large monument of granite erected in the year eighteen hundred and sixty-nine by John V. L. Pruyn, George R. Perkins, Samuel B. Woolworth and George W. Patterson on the part of the State of New York, and William Evans on the part of the State of Pennsylvania, four hundred and forty feet south of the original monuments erected in the year seventeen hundred and ninety, by Andrew Ellicott aforesaid, upon the south shore of Lake Erie in the line originally surveyed and marked by him as aforesaid.

V. The field book of said surveyors containing the notes of the resurveys along said line in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight and eighteen hundred and seventy-nine; also "the record of monuments" prepared by said surveyors, containing the descriptions of the locations of the several monuments erected by them, and of the witness marks thereto; also the maps of said line, and the vicinity thereof, showing the locations of said monuments; and also the "diary of operations" of said surveyors under the direction of the parties hereto; the same having been duly authenticated by the signature of the said surveyors, and the several documents and books of record containing the transactions of the parties hereto; all of which being placed on the file in the office of the Secretary of State of New York, and the office of the Secretary of Internal Affairs of Pennsylvania, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the said parties hereto, and made a part of this agreement.

VI. This agreement shall become binding upon the two States when ratified by the Legislatures thereof, respectively, and when confirmed by the Congress of the United States. In witness whereof the said commissioners have hereunto set their hands and seals, in duplicate, the twenty-sixth day of March, eighteen hundred and eighty-six aforesaid:

Executed in the presence of witnesses:

As to Henry R. Pierson, Edward I. Devlin, H. R. Pierson, L.

S.

As to E. W. Leavenworth, H. W. Clarke, E. W. Leavenworth, L.

S.

As to Chauncey M. Depew, Edward I. Devlin, Chauncey M. Depew,
L. S.

As to C. M. Gere, A. D. Birchard, C. M. Gere, L. S.

As to Robert N. Torrey, Andrew Thompson, Robert N. Torrey, L.
S.

WHEREAS, The Governor of this Commonwealth, under and by virtue of an act of the General Assembly, approved the eighteenth day of May, one thousand eight hundred and seventy-eight, appointed James Worrall, William W. Walker and James McCullough, commissioners to act in conjunction with similar commissioners of the States of Ohio and West Virginia, to examine as to the true locations of the monuments which mark the boundary lines between this Commonwealth and the said States of Ohio and West Virginia, and to replace any monuments that have been removed or have become misplaced on the said boundary lines;

AND WHEREAS, In compliance with the said acts, the commissioners above named on the part of Pennsylvania and the State of New York, Joseph M. Rickey, James Mackey and Henry B. Perkins, commissioners on the part of the State of Ohio, and Joseph C. Gist, John T. Chipley and Francis L. Hoge, commissioners on the part of the State of West Virginia, have filed, in the department of Internal Affairs, final reports of their proceedings, accompanied with the surveyors' reports, chaining notes and maps, whereby it appears that the said joint commissioners resurveyed the lines between said States, and have examined as to the true location of the monuments, which marked the same, and caused the said lines to be plainly remarked by permanent stone monuments; therefore,

Section 1. Be it enacted, &c., That the said boundary lines so run and marked by the above-named (joint commission) commissioners on the part of this Commonwealth and the States of Ohio and West Virginia, and described in their reports, maps and accompanying documents, now remaining on file in the department of Internal Affairs, are hereby accepted and declared to be the true and just lines of boundary and jurisdiction between this Commonwealth and the States of Ohio and West Virginia, as aforesaid.

Section 2. The above-stated agreement, entered into by and between the commissioners on the part of this Commonwealth and the State of New York, which has been properly filed, is hereby ratified and confirmed, and the Governor of this Commonwealth is hereby authorized and required to transmit to the Governor of the State of New York a copy of this act, and, on receiving a notice of the ratification of said agreement by the Legislature of the State of New York, he shall cause such notice to be filed in the department of the Secretary of Internal Affairs.

Section 3. After receiving notice of the ratification and adoption of said agreement by the Legislature of the State New York, the Governor of this Commonwealth is hereby authorized and required, in concurrence with the Governor of the State of New York, to communicate to the Congress of the United States the action of the two States in relation to said boundary, and to request the approval and confirmation by the said Congress of

the agreement so entered into by the said two States, and upon such approval, the above-stated agreement shall become binding and operative, and the said boundary line between this Commonwealth and the State of New York shall be fixed and established, as specified and provided for in the said agreement.

APPROVED: The 6th day of June, A. D. 1887. But in approving this bill I call attention to the omission after the word "council," in the fifteenth line of the 4th page thereof, of the following words: "of said Commonwealth, in pursuance of an act of the General Assembly of said Commonwealth, entitled "An act to authorize and enable the Supreme Executive Council." This omission--the evident result of carelessness in the preparation of the bill--is not deemed sufficiently material to require the disapproval of the bill, especially in view of the fact that the contract recited was ratified by the State of New York a year ago, and should be submitted for the approval of Congress at its next sessions.