



LECTURE

UPON THE

CONTROVERSY

BETWEEN

PENNSYLVANIA AND VIRGINIA,

ABOUT THE

BOUNDARY LINE:

DELIVERED AT THE UNIVERSITY BUILDING, DECEMBER 5th, 1843.

BY

NEVILLE B. CRAIG,

Corresponding Secretary of the Historical Society of Western Pennsylvania.

PITTSBURGH:

PRINTED BY A. JAYNES---FRANKLIN HEAD---OPPOSITE POST-OFFICE.

1843.

~~37,213~~

LECTURE.

Ladies and Gentlemen:—

OF the large and respectable audience now assembled here, there is perhaps not one individual who has not read the history of the rise and progress of Rome, of the increase of her power and of the gradual extension of her boundary, so as first to embrace the petty domains of her neighbors; then all Italy, and finally that vast territory which extends from the Western Ocean to the Euphrates, and from Mount Atlas to the Danube and the mountains of Caledonia. The history of that haughty nation which fought and conquered two thousand years ago, and at the distance of many thousand miles from us, is familiar to our school-boys; and yet it is probable that there are now present some intelligent persons who are not aware that an angry controversy raged, not more than seventy years ago, between Pennsylvanians and Virginians, for the territory in and around this city. A still larger number, no doubt, are uninformed as to the origin of that controversy, the grounds of the claims of the different parties, and the mode and the terms of the final arrangement. That there should be a want of general, *correct* information, is not, under the circumstances, very remarkable. The controversy commenced while these States were colonies; the terms of the compromise were agreed upon during our struggle for independence, and attracted less attention among the more exciting events of the war of the Revolution. Since that time, so far as my research has extended, no full and accurate notice of the controversy has been published. Mr. Barton, in his *Memoirs of Rittenhouse*, has several references to the matter; and the late Judge Brackenridge, in his *Law Miscellanies*, has a short chapter devoted to the subject. But both those writers have permitted some errors to find places in their publications. It has occurred to me that a plain, unvarnished history of a controversy about the very soil upon which we stand, would not be less interesting to the audience now assembled, than even a more ornate notice of some ancient or far-distant nation.

I proceed, therefore, to give a very plain, though, I trust, accurate account of that dispute, and shall labor to make it as intelligible, as the fear of being tedious will permit. In the year 1606, James the First granted to the London and Plymouth Companies the privilege of making two settlements on any part of the coast of America, between the thirty-fourth and forty-fifth degrees of North latitude, the whole of which country was called Virginia. Under this grant, the former Company made a settlement at Jamestown, and thus became entitled, under the terms of the grant, to territory one hundred miles square.

Considering this extent of territory too contracted for their purposes, the Company applied for a further enlargement of their grant, and in 1609, an additional grant was made to them in the following terms:—"All those lands, countries and territories, situate, lying and being in that part of America called Virginia, from the Point of land called Point Comfort, all along the sea-coast to the Northward two hundred miles, and from the said Point Comfort, to the Southward, two hundred miles, and all that space and circuit of land lying from the sea-coast of the precinct aforesaid, up into the land throughout, from sea to sea, West and North-West.'

In 1623, a Writ of *Quo Warranto* was issued against the Company from the Court of King's Bench, which was decided against it the next year. By this decision, the Company was dissolved, and the land within the limits of the grant, with the exception of such tracts as had been granted to settlers, reverted to the Crown. Against this decision the Company seems never to have made any objection.

In 1632, Charles the First granted to Lord Baltimore, the present territory of Maryland, which greatly encroached upon the bounds of the grant to the London Company; yet against this grant neither that Company nor the Colonial Legislature made any opposition. This is only material in this place, as showing the submission of those interested, and as proving that the decision on the *Quo Warranto* was acquiesced in as legal.

In 1680, the grant was made to William Penn, of "All that tract or part of land in America, with all the islands therein contained, as the same is bounded on the East by Delaware river, from twelve miles Northward of New Castletown, unto the three and fortieth degree of Northern latitude, if the said river doth extend so far Northwards; but if the said river shall not extend so far Northwards, then

by the said river so far as it does extend; and from the head of the said river, the Eastern bounds are to be determined by a meridian line to be drawn from the head of said river unto the said three and fortieth degree. *The said lands to extend Westward five degrees in longitude, to be computed from the said Eastern bounds;* and the said land to be bounded on the North *by the beginning* of the three and fortieth degree of Northern latitude, and on the South by a circle drawn at twelve miles distance from New Castle, Northward and Westward, unto *the beginning of the fortieth degree* of Northern latitude, and then by a straight line Westward to the limits of longitude above mentioned."

In this description of the territory granted to Penn, there is no vagueness or uncertainty, except in one particular, and that is to the Western boundary. The words are, "*Said lands to extend Westward five degrees in longitude, to be computed from the said Eastern bounds.*" Now as the Eastern "bounds" is the Delaware river, which in its meandering course varies its longitude more than forty miles, the questions soon occurred, from what point on the Delaware shall the five degrees of longitude be computed? shall the Western boundary be a meridian, or shall it be a crooked line corresponding to the curves of the Delaware, and distant from it five degrees of longitude at every corresponding point? These and other questions would naturally occur, in interpreting the words defining the Western boundaries of Pennsylvania.

I have before mentioned that the territory of Virginia, as granted to the London Company, with the exception of land actually granted to settlers, had reverted to the Crown by the judgment on the Writ of *Quo Warranto*. I have also stated that in 1632, forty-eight years before the grant was made to Penn, Maryland was granted to Lord Baltimore. In the latter grant, the Northern boundary is a right-line drawn from that part of the Delaware Bay which lieth under the fortieth degree of latitude, due West to the meridian of the first fountain of the river Potomac. Here, then, is an interference of boundary lines between Penn and Lord Baltimore. Penn had a grant to the beginning of the fortieth degree of North latitude; while Baltimore had a grant to pass beyond the beginning of that degree, and to extend some indefinite distance under it. In 1769, after a long and vexatious controversy, the boundary was fixed at latitude 39° 43' 42" being the line so famous in late days, as Mason and Dixon's line. But although the prior charter to Lord Baltimore

prevailed over the later grant to Penn, throughout the entire length of the province of Maryland, there was no good reason why the South boundary of Pennsylvania, West of Maryland, should not conform to the charter, and extend South to latitude thirty-nine degrees, being the beginning of the fortieth degree. The grant to the London Company having been annulled, and the territory included in it having reverted to the Crown, there was no dispute between rival Grantees, as in the case of Maryland; no question about priority of grants; but the simple point to be settled was this,—does the charter to Penn include the territory in dispute?

Having thus made such preliminary remarks as were necessary to render the controversy between Virginia and Pennsylvania easily intelligible, I will proceed to the account of that matter.

In 1752, the Proprietors of Pennsylvania understanding that the Governor of Virginia was about to erect a Fort at the Forks of the Ohio, now Pittsburgh, to repel the incursions of the French, instructed their Governor, Hamilton, to render any assistance in his power, taking, however, an acknowledgment from Virginia, that any settlement made should not be construed to the prejudice of the right of the Penns. Of these instructions, Gov. Hamilton immediately gave Gov. Dinwiddie notice. Nearly two years later, in 1754, Gov. Dinwiddie being prepared to commence building the Fort at the Forks, issued a proclamation promising to lay out two hundred thousand acres of land, in and near this place, to be divided among those who would enlist in the service against the French. Upon receiving a copy of this proclamation, Gov. Hamilton, on the 13th of March, 1754, wrote to Gov. Dinwiddie, reminding him of his former intimation respecting the lands, and requesting such an acknowledgment as the Proprietaries had before suggested.

On the 21st of March, 1754, Gov. Dinwiddie replied: in his letter he said, “I am much misled by our Surveyors, if the Forks of the Monongahela be within the limits of your Proprietaries’ grant. I have for some time written home, to have the line run,—to have the boundaries properly known, &c. In the mean time, that no hinderance may be given to our intended expedition, it is highly reasonable, if these lands are in your Proprietor’s grant, that the settlers should pay the quit-rent to Mr. Penn, and not to His Majesty. And therefore, as far as in my power lies, I agree thereto, after the time granted by my proclamation, to be clear of quit-rent, ceases.”

These proceedings (1752, '54) were the first acts by the provincial

government of Virginia, in which any jurisdiction was claimed over the Western Territory; and, as is above stated, they were promptly met by Gov. Hamilton; so that there was not the slightest shadow of ground for the allegation of acquiescence, as subsequently made by Lord Dunmore.

Within a month after Mr. Dinwiddie's last letter to Gov. Hamilton was written, Monsieur Contrecoeur, at the head of a large number of French and Indians, descended the Allegheny river from Fort Venango,—captured Ensign Ward, with his little band of forty men,—and took formal possession of the country around the head of the Ohio. Subsequently, followed Washington's first campaign, from Fort Cumberland towards the Monongahela; and finally, his surrender to the French at Fort Necessity on the fourth day of July, 1754. From that date the French remained in possession of the country around the head of the Ohio; and all settlements, by English or Americans, were prevented, until Gen. Forbes, in November, 1758, drove the enemy from Fort Duquesne, and took possession of the country. From that time until 1774, no difficulty occurred between Virginia and Pennsylvania, in relation to the boundary. The lands in the neighborhood of Pittsburgh were surveyed for the Proprietaries early in 1769; magistrates were appointed in the beginning of 1771, and entered upon, and continued in the exercise of their duties for some time, without molestation. As the difficulties, however, between the mother country and the colonies increased, the British government deemed it advisable to order the abandonment of Fort Pitt, and the withdrawal of the troops from this place. The Fort being thus abandoned, one John Connolly, a man of much energy and talent, but without principle, came here from Virginia, about the end of the year 1773 or beginning of '74, having authority from Lord Dunmore, Governor of that State, took possession of the Fort, calling it *Fort Dunmore*; and as Captain Commandant of the Militia, issued his proclamation, calling on the people to meet him, as a Militia, on the 25th January, 1774. For so doing, Arthur St. Clair, one of the magistrates of Westmoreland county, Pennsylvania, issued a warrant against him, and had him committed to the jail at Hanna's town, the seat of Justice of Westmoreland county, which embraced this place; from which, however, he was soon released, by entering bail for his appearance at Court.

Information of these transactions was transmitted to the Governor, John Penn, by express, who, on the 31st of January, 1774, wrote a

letter to Lord Dunmore, urging him to refrain from appointing officers at Pittsburgh, and suffer matters to remain as they were, until a temporary Boundary-line could be run by Commissioners to be appointed by both governments. This letter has never, to my knowledge, appeared in print; the copy which I hold in my hand, having been procured by me from the office of the Secretary of the Commonwealth. The following portion of it will be found interesting, as showing the measures adopted by Mr. John Penn, to ascertain whether Pittsburgh was within the chartered limits of Pennsylvania.

“The Western Extent of the Province of Pennsylvania, by the Royal Grant, is five degrees of Longitude from the River Delaware, which is its Eastern boundary. In the year 1768, an East and West line was run from Delaware, at the mouth of Christiana Creek, to the crossing of Dunkard Creek, a branch of the Monongahela, by Messrs. Dixon and Mason, two Surveyors of distinction, who were sent over from England to run the Division-Line between Maryland and Pennsylvania. These Artists fixed the Latitude and Extent of that Line with the utmost exactness and precision,—to the satisfaction of the Commissioners on both sides.

“From the 233d Mile-stone on this Line, a North Line hath since been carefully run and measured to the Ohio, and from thence up to Fort Pitt: the several courses of the river have been taken with all possible care. From the line of Dixon and Mason, to a known point in the South line of the city of Philadelphia, the true course and distance hath been discovered by actual survey, as also from the point aforesaid to that part of the river Delaware which is in the same latitude as Fort Pitt; and from these several data, the most exact calculations have been made by Dr. Smith, Provost of our College,—Mr. Rittenhouse, and our Surveyor General—in order to ascertain the difference of longitude between Delaware and Pittsburgh; who all agree, *that the latter is near six miles Eastward of the Western extent of the Province.*

“The better to illustrate this matter, and enable your Lordship to form a judgment of the accuracy with which the work has been done and the calculations made, I have enclosed a map or draught of the several lines above mentioned, with explanatory notes, as delivered by them to me.”

The conclusion arrived at by the calculations of Messrs. Rittenhouse, Smith and Lukens, that Pittsburgh was “near six miles

within" the boundary claimed by John Penn, proves to be remarkably accurate.

Indeed, so far as I can judge by the best Maps of the State, I presume Penn's curved line, parallel to the Delaware, would cross the Ohio river between five and six miles below this city.

How strongly does this accuracy of John Penn contrast with the vague, rash and unfounded claim set up by Lord Dunmore, in his correspondence with Messrs. Tilghman and Allen, as will be immediately related.

The Map referred to in John Penn's letter, could not be found at Harrisburgh, though diligent search was made, and though I have some time since applied to a friend at Richmond, I have not succeeded in obtaining a copy.

To the letter of John Penn, Lord Dunmore replied on the 3d of March, 1774: he contended that in 1753, '54, Pennsylvania had admitted the better title of Virginia to the country in dispute; declared that he could not defer the appointment of such other officers as may be deemed necessary for the good government of this section of country, and insisted that Mr. St. Clair should be punished by dismissal from office, unless he could prevail upon Connolly to apply for his pardon.

Gov. Penn, in his reply, dated March 31st, contended that the Proprietary of Pennsylvania had not admitted the claim of Virginia to be good, but had expressly denied it. He also thus states the claim of the Proprietaries of Pennsylvania:—"The Proprietaries of Pennsylvania do claim, as part of their province, all the lands lying West of a South line to be drawn from Mason and Dixon's line, as it is commonly called, at the Western-most part of the province of Maryland, to the beginning of the fortieth degree of North latitude, to the extent of five degrees of longitude from the Delaware."

The Governor also declined to remove Mr. St. Clair, whom he pronounced to be an honest, worthy man, who had served His Majesty in the Regulars, with reputation. It may be as well to mention here, that this Mr. St. Clair is the same person who has long since been well known as Gen. St. Clair, and who was almost equally distinguished by his talents, social virtues, services and hard fortune.

While this correspondence was passing between Mr. Penn and Lord Dunmore, Connolly had gone to Staunton, and was sworn

in as a Justice of the Peace, of Augusta county, Virginia, in which, it was alleged, the country around Pittsburgh was embraced. Towards the latter part of March, he returned to this place, with both civil and military authority, to put the laws of Virginia in force. About the fifth of April, the Court assembled at Hanna's town, the seat of Justice for Westmoreland county, Pennsylvania. Soon after, Connolly, with about one hundred and fifty men, all armed and with colors flying, appeared there; placed sentinels at the door of the Court-house, who refused to admit the magistrates, unless with the consent of their commander. A meeting then took place between Connolly and the magistrates, in which the former stated that he had come there in fulfilment of his promise to the Sheriff; but denied the authority of the Court, and declared that the magistrates had no right to hold a Court. He added, however, that to prevent confusion, he agreed that the magistrates might act as a Court in all matters which might be submitted to them by the acquiescence of the people, until he should receive instructions to the contrary. To this the magistrates replied, that their authority rested on the legislative authority of Pennsylvania; that it had been regularly exercised; that they would continue to exercise it in the same regular manner, and that they would do all in their power to preserve the public tranquillity. They added, in conclusion, an assurance that the province of Pennsylvania would use every exertion to accommodate differences, by fixing a temporary boundary until the true one could be ascertained.

On the eighth of April, the Justices, Æneas Mackay, Devereux Smith, and Andrew M'Farlane, returned from the Court to Pittsburgh, where they resided, and on the next day they were arrested by Connolly's Sheriff, and on refusing to give bail, were sent off under guard to Staunton, in Virginia. After traveling one day together, Mr. Mackay got permission to go by the way of Williamsburgh to see Lord Dunmore; and after some conversation with him, his Lordship wrote to the Sheriff requesting him to permit the prisoners to return home, and saying, "I will be answerable for their appearance, in case it be required." Mackay immediately proceeded to Staunton; and in a letter dated at that place, on the fifth of May, he informed Gov. Penn that he and his fellow-prisoners were to set out on their homeward journey, forthwith. On the 19th day of April, intelligence of the arrest of the Justices reached the Governor;

and on the 21st, at a meeting of the Council, it was determined to send two Commissioners to Virginia, to represent to the government there, the ill consequences which may ensue if an immediate stop be not put to the disorders which then existed in the West, and to consult upon the most proper means for establishing peace and good order in that quarter.

James Tilghman and Andrew Allen were appointed, with instructions, first, to request the Governor of Virginia to unite with the Proprietaries of Pennsylvania to petition His Majesty in Council, to appoint Commissioners to run the boundary-line; the expense to be equally borne by the two Colonies; second, to use every exertion to induce the Governor to agree to some *temporary* line; but in no event to assent to any line which would give Virginia jurisdiction of the country on the East side of the Monongahela river.

The Commissioners arrived at Williamsburgh on the 19th of May, and on the 21st had an oral conference with the Governor; in which he expressed his willingness to join in an application to the King, to appoint Commissioners to settle the boundary; but also declared, that Virginia would defray no part of the expense. As to the temporary line, he desired the Commissioners to make their propositions in writing.

In compliance with this request, they, on the 23d, addressed him a letter containing the following proposition:—"That a survey be taken by Surveyors, to be appointed by the two Governments, with as much accuracy as may serve the present purpose, of the *courses of the Delaware*, from the mouth of Christiana creek, or near it, where Mason and Dixon's line intersects the Delaware, to that part of said river which lies in the latitude of Fort Pitt, and as much farther as may be needful for the present purpose. That the line of Mason and Dixon be extended to the distance of five degrees of longitude from the Delaware; and that from the end of said five degrees, a line or lines, corresponding to the courses of the Delaware, be run to the river Ohio, as nearly as may be, at the distance of five degrees from said river in every part." And that the extension of Mason and Dixon's line, and the line or lines corresponding to the courses of the Delaware, be taken as the line of jurisdiction, until the boundary can be run and settled by Royal authority.

Lord Dunmore, in his reply, dated 24th May, contended that the Western boundary could not be of "such an inconvenient and difficult

to be ascertained shape," as it would be if made to correspond to the courses of the Delaware. He thought that it should be a meridian line, at the distance of five degrees from the Delaware, in the forty-second degree of latitude.

He then, after some arguments which it is unnecessary to recite, remarked, that unless the Commissioners could propose some plan that favored as much the sentiments of the government of Virginia as of Pennsylvania, he saw that no accommodation could be entered into previous to the King's decision. The Commissioners, in their reply of the 26th, say, that for the purpose of producing harmony and peace, "we shall be willing to recede from our Charter bounds, so far as to make the river Monongahela, from the line of Mason and Dixon, the Western boundary of jurisdiction, which would at once settle our present dispute, without the great trouble and expense of running lines, or the inconvenience of keeping the jurisdiction in suspense."

On the same day, Lord Dunmore replied in a long letter, manifesting throughout a most uncourteous and rude spirit. The following are the most material passages, showing, as they do, that further correspondence with him was utterly useless:—

"And what were your proposals to reconcile these difficulties? Why, in your first, you propose that every thing shall be given up to Pennsylvania; and in your second, that Virginia shall be content, without having any thing given up to it: at least, I can find nothing given up by your proposal of the Monongahela, &c. What else then can I conclude, but that no *real* intention is meant to avoid the great and reciprocal inconveniences of a doubtful boundary," &c. Further on he says,—"*Your resolution, with respect to Fort Pitt, (the jurisdiction over which place, I must tell you, at all events, will not be relinquished by this Government, without His Majesty's orders,) puts an entire stop to further treaty.*"

On the 27th, the Commissioners, in a brief reply, state, that the determination of his Lordship not to relinquish Fort Pitt, puts a period to the treaty.

After a careful perusal of this correspondence, and an attentive consideration of Lord Dunmore's conduct in 1774 and 1775, the conclusion is forced upon the mind, that he was a very weak and arbitrary man, or else that the suspicion, then entertained, that he wished to promote ill will and hostility between the Pennsylvanians and Virginians, as well as between the Indians and whites, was well founded.

During the whole of this correspondence, this place was called Fort Pitt; the new name of Fort Dunmore was never mentioned. The Commissioners, in their first letter, gave it the old name, and Dunmore did the same in his letters to them; although he had before recognized the new name bestowed by Connolly.

This negotiation having thus failed, Connolly continued to domineer with a high-hand at Fort Pitt. In a letter from Æneas Mackay to Governor Penn, dated June 14th, 1774, we find the following strong and emphatic language:—"The deplorable state of affairs in this part of your government, is truly distressing. We are robbed, insulted and dragooned by Connolly and his militia, in this place and its environs."

To form an adequate conception of the condition of the inhabitants in this place, at that time, we must take into view, not only the oppressive conduct of Connolly, but also bear in mind that the war of the Revolution was rapidly approaching, and that hostilities between the Indians and Virginians, were actually raging at that time. The Indians, it is true, were understood to say that they would not touch the Pennsylvanians; but still they must have felt much of the embarrassments arising out of the Indian war. So great was the anxiety and distress of the adherents of the Proprietary, that they at one time thought seriously of leaving this place, and removing to Kittanning, which lay in another manor. Another project was, to raise a stockade around the town of Pittsburgh, being that part of our city which lies between Water and Second Streets, and Market and Ferry streets. Neither project was carried into execution, and I merely refer to them as signs of the times, and as evidences of the state of feeling then prevailing here.

On the 8th of September, the Earl of Dartmouth, one of the Secretaries of State, wrote a letter to Lord Dunmore, containing some items of intelligence, in relation to this place, which are of interest as forming a part of the history of Fort Pitt, and of the controversy. After stating that the Governor of Pennsylvania had attributed the hostility of the Indians, to the unprovoked attacks upon them by the Virginians, and had also alleged that a party of Virginians had attacked and wounded some Indians, who, at the risk of their lives, had escorted some traders to Pittsburgh, he proceeds to say,—“My intelligence, through a variety of other channels, confirms these facts.” He further adds, that he is informed, that “one Connolly, using your Lord-

ship's name, and pleading your authority, has presumed to re-establish the Fort at Pittsburgh, which had been demolished by the King's express order." He then concludes by stating, that he gives this information so that "the facts asserted, if not true, may be contradicted by his Lordship's authority; but if true, which he cannot suppose, such steps may be taken as the King's dignity and justice shall dictate."

The publication of this letter should have exonerated the British ministry from all suspicion of countenancing the scheme attributed to Dunmore or Connolly, of exciting ill blood and war between the Indians and whites.

On the seventeenth of September, Lord Dunmore being at this place preparing for his expedition against the Indians, issued a proclamation, dated at *Fort Dunmore*, reciting that, "Whereas, the ancient claim laid to this country by the Colony of Virginia, founded upon reason, upon pre-occupancy, and the general acquiescence of all persons, together with the instructions I have lately received, to take this country under my administration; and the evident injustice manifestly offered to His Majesty, by the immediate strides taken by the Proprietors of Pennsylvania, in prosecution of their *wild* claim, demand an immediate remedy." He then calls on all His Majesty's subjects *West of Laurel Hill*, to pay due respect to that proclamation, prohibiting the execution of any act of authority on behalf of the province of Pennsylvania, at their peril; but, on the contrary, that due regard and entire obedience be paid to the laws of His Majesty's Colony of Virginia, &c.

On the twelfth of October, Gov. Penn issued another proclamation, which is of too great length to be inserted here. In reply, however, to that portion of Lord Dunmore's proclamation, which speaks of the "general acquiescence of all persons" in the claim of Virginia, he mentions that, "in an act passed at the very last session of Parliament, for the government of Quebec, the Western extent of the Charter to Penn is fully recognized; said province being described as being bounded by the Northern and Western bounds of Pennsylvania. Wherefore there is reason to infer, that any instructions to the Governor of Virginia, to take that country under his administration, must be founded on some misrepresentation respecting the Western extent of Pennsylvania." It concludes by calling on all persons *West of Laurel Hill*, to retain the settlements made

under that province, and to pay due obedience to the laws of that province; and by charging all magistrates to proceed as usual in the administration of justice.

On Nov. 12th, Connolly sent out a warrant for a Mr. Scott to appear and answer for a number of offences, charged to have been committed while acting under authority from Pennsylvania. Mr. Scott refused to pay any attention to this warrant; and on the same day a number of armed men came to his house and carried him to Fort Burd, now Brownsville, where he was required either to enter into recognizance with two sureties, to appear at the next Court, to be held at Pittsburgh for the county of Augusta, Dec. 20th, 1774, or at any future day when the Court should be held there; or else be committed to prison. Mr. Scott gave the required bail; but I have not been able to ascertain the final disposition of his case; though, I presume, the prosecution was abandoned under the subsequent recommendation of the Delegates in Congress, from these two States.

On the twenty-fourth of November, a party of armed men under command of Connolly, went to Hanna's town, and released two prisoners confined in the jail under execution.

In January, 1775, information being given to the Executive Council, that William Crawford, the President Judge of Westmoreland County, had joined the Virginians in opposing the jurisdiction of Pennsylvania; the Council advised the Governor to supersede him in his office as Judge; which was done forthwith.

On the 7th of February, another party of armed men went to Hanna's town, broke open the jail, and released three prisoners. Benjamin Harrison, a son-in-law of Crawford, commanded this party, Connolly having, some days before, started for Williamsburg. In April and May, three of the Pennsylvania magistrates were arrested and held in custody for performing the duties of their offices.

The power of Lord Dunmore and his agent, Connolly, was, however, fast drawing to a close. On the 8th of June, the former abandoned his palace in Williamsburg, and took refuge on board the Fowey man-of-war, where soon after he was joined by Connolly, who was then busily engaged in planning an attack upon the Western frontier.

The continual collisions and disorder at Pittsburgh could not fail to attract the attention of all the patriotic citizens of the two States, and on the 25th of July, 1775, the Delegates in Congress, including

among others, Thomas Jefferson, Patrick Henry, and Benjamin Franklin, united in a circular, urging the people in the disputed region, to mutual forbearance. In that circular was the following language:—"We recommend it to you, that all bodies of armed men, kept up by *either party*, be dismissed: and that all those on either side, who are in confinement, or on bail, for taking part in the contest, be discharged."

There were no armed men maintained by the Pennsylvanians; so that the expression about "either party," was probably only used to avoid the appearance of invidiousness; and Connolly and his men had taken effectual measures for the release of Virginians from confinement.

On the 7th of August, the following resolution was adopted by the Virginia Provincial Convention, which had assembled at Williamsburg, on the first of that month:—

"Resolved, That Captain John Neville be directed to march with his company of one hundred men, and take possession of Fort Pitt, and that said company be in the pay of the Colony from the time of their marching."

The arrival of Captain Neville at Fort Pitt seems to have been entirely unexpected to the Pennsylvanians, and to have created considerable excitement. Commissioners appointed by Congress, were then here to hold a treaty with the Indians, and Mr. St. Clair, in a letter to John Penn, dated 17th September, has the following remarks:—"The treaty is not yet opened, as the Indians are not yet come in; but there are accounts of their being on the way, and well disposed. We have, however, been surprised by a manoeuvre of the people of Virginia, that may have a tendency to alter their disposition.

"About one hundred armed men marched from Winchester, and took possession of the Fort on the 11th instant, which has so much disturbed the Delegates from the Congress, that they have thoughts of moving some place else to hold the treaty.

"This step has already, as might be expected, served to exasperate the dispute between the inhabitants of the country, and entirely destroyed the prospect of a cessation of our grievances, from the salutary and conciliating advice of the Delegates in their circular letter."

There is, perhaps, some difficulty in reconciling the conduct of the Virginia Convention, in ordering Captain Neville to Fort Pitt, with the recommendation of the Virginia and Pennsylvania Delegates in

Congress, that "all bodies of armed men in pay, of either party," should be discharged. No doubt, however, this only referred to bodies of armed men, kept up by the Virginians or Pennsylvanians in the disputed region. Mr. St. Clair seems always to have been very watchful of the interests of Pennsylvania during the controversy; and no doubt, the surprise expressed by him was unaffected; and yet there were strong reasons why Fort Pitt should be promptly occupied by troops in the confidence of the Whigs of the Revolution. The war for independence had commenced by the actions at Lexington and Bunker Hill; and Connolly, a bold, able and enterprising man, was busy arranging some scheme of operations, in which Fort Pitt would be an important and controlling position. It would seem, therefore, to have been nothing more than an act of ordinary prudence and foresight to send here some officer, in whose firmness, fidelity and discretion, implicit confidence could be placed.

Captain Neville was then about forty-three or forty-four, about the same age as Washington, of whom he was an early acquaintance, and with whom he had served twenty years previous, in Braddock's expedition and defeat. He had, in the preceding year, been elected a Delegate to the Provincial Convention, which appointed Peyton Randolph, George Washington and others, Delegates to the first Continental Congress, but was prevented from attending by sickness.

He had some time previous become an extensive land-holder in the vicinity of Fort Pitt, and was, of course, interested in promoting harmony and good feelings in the region to which he was just bringing his family.

He was a man of very frank and hearty address, of sound judgment, of much firmness and decision of character, and probably, in all respects, as well suited to the emergency for which he was selected, as any individual who could have been named, and who would have undertaken the duty.

That he acted with great prudence and impartiality, may be inferred from the fact, that after the controversy, he, for some time, represented the disputed region in the Legislature of this State. Indeed, in several accounts of the Western Insurrection, in which he was a prominent actor, it is stated that he was very popular up to that time, but had then become unpopular, because he had voted in the Pennsylvania Legislature against a tax on whiskey, and afterwards accepted an office for the collection of a similar tax under the General Gov-

ernment. Truly this was going far for a reason for unpopularity, when a very plain and obvious one was so near at hand. In an insurrection he adhered to the laws of the land, while a very large majority of the population were in open rebellion. Even in our party contests, it rarely or never happens that any man is popular in the opposite party; surely then, it would have been strange, had John Neville preserved his popularity with those who sought his life and destroyed his property.

As to his conduct in accepting the office, there might be very substantial reasons for voting against a tax on whiskey *in the Legislature*, which might have no weight in *Congress*. Besides, a Representative might vote against a bill *even in Congress*, and yet, with perfect propriety, assist in enforcing it when it had become a law; especially where there was no suspicion of unconstitutionality, as in the case of the excise on whiskey.

The result proved that Mr. St. Clair's fears were groundless. The Treaty with the Indians was not interrupted, and no disturbance occurred during Captain Neville's stay here; which, however, was not of long duration. After remaining here about three months, he was promoted and ordered to join his regiment, with which he served until May, 1780, when he became a prisoner of war, along with Lincoln's army, at the surrender of Charleston.

I trust this passing notice of a near relative, whom I well knew, whom even in childhood I loved, and to whose cheerful conversation and well-told adventures, I have often eagerly listened, will be forgiven. As an additional plea for indulgence, I will remark that Captain Neville was content to serve his country openly and manfully, and never deemed it necessary to write a book to relate his services, explain his conduct, or define his position.

On the 23d day of November, 1775, Connolly, and two of his associates, were arrested at Fredericktown, Maryland. His connection with the British General, Gage, and Lord Dunmore, and the whole of his plans for invading the Western frontier with British troops and Indians, and taking possession of Fort Pitt, were fully exposed. He was, therefore, confined, and subsequently, by order of Congress, for greater security, sent to Philadelphia. His arrest and confinement probably broke up the whole scheme which he had prepared, and in which he was to be the controlling spirit! Perhaps the conviction that the whole affair was exploded by the arrest of Connolly, may

have induced the removal of Captain Neville from Fort Pitt, which took place in the ensuing month. Connolly, after the Revolution, resided in Canada; where he enjoyed the confidence and liberality of the English government.

On the 18th of December, 1776, both Houses of the Legislature of Virginia passed a series of resolutions in relation to the disputed boundary, taking some new and different grounds, and making bolder claims than had been urged by Dunmore, or by any other person on the part of that State at any previous time, so far as I have seen.

The first two resolutions are merely introductory; the third authorizes the Virginia Delegates in Congress, to propose a final accommodation of the dispute in manner following:—

“That the Meridian line, drawn from the head of the Potomac to the North-West angle of Maryland, be extended *due North*, until it intersects the latitude of forty degrees, and from thence the Southern boundary shall be extended on the said fortieth degree of latitude, until the distance of five degrees of longitude from the Delaware shall be accomplished thereon; and from the said point, five degrees, either in every point, according to the meanderings of the Delaware, or (which is perhaps easier and better for both) from proper points or angles on the Delaware, with intermediate straight lines.”

I have now traced the history of this controversy from its origin, and have presented briefly, the various claims set up, and the different constructions given to that portion of the Charter to Penn, which fixed his Western and Southern boundaries. Before proceeding further, it may be useful to review the different interpretations, examine their merits, and thus be prepared to appreciate properly, the compromise entered into between the two States. In this review, a very striking feature will be the remarkable difference between the construction of the Charter by Lord Dunmore in 1774, and by the Legislature of Virginia, in 1776. Another remarkable fact is, that no one of the proposed lines would have thrown Pittsburgh, the bone of contention, into Virginia; so that if Virginia had taken as much pains to ascertain the true state of the case, as did John Penn, no controversy need have occurred.

The first interpretation of the Charter is that of John Penn, in his letter to Dunmore. He contended, that at the extremity of Maryland the boundary line of Pennsylvania should run *South* to the line of latitude 39°, being identical with “the beginning of the 40th degree”

of latitude, and that then the Southern boundary should extend along that line Westward to the distance of five degrees of longitude from the Delaware, and that the Western boundary should be run parallel to the Delaware; or, in other words, distant from it five degrees in every corresponding part. This construction was more fully urged by Messrs. Tilghman and Allen, in their correspondence with Lord Dunmore at Williamsburg.

The second interpreter of the Charter was Lord Dunmore. He scouts at the idea of a Western boundary with curves corresponding to the courses of the Delaware, and contends that it should be a *Meridian line*, beginning at the distance of five degrees of longitude from the Delaware river, on the *Northern* boundary of Pennsylvania.

He gave the following somewhat plausible reason for starting the Meridian line from the Northern instead of the Southern boundary:—“Because the Grant directs that the survey shall begin at a point on the South part of the boundary and proceed Northward,” &c.; “and it being usual always, in like cases, to *proceed*, and extend the five degrees of longitude, and not *return* to the South point to draw it from thence.” No doubt his Lordship thought that his government would be considerably extended, if his construction of the Charter were adopted; for he says, if my construction be the true one, then Fort Pitt, by the river Delaware running *very much Eastwardly*, towards your Northern bounds, will probably be, at least, *fifty miles without your limits*.

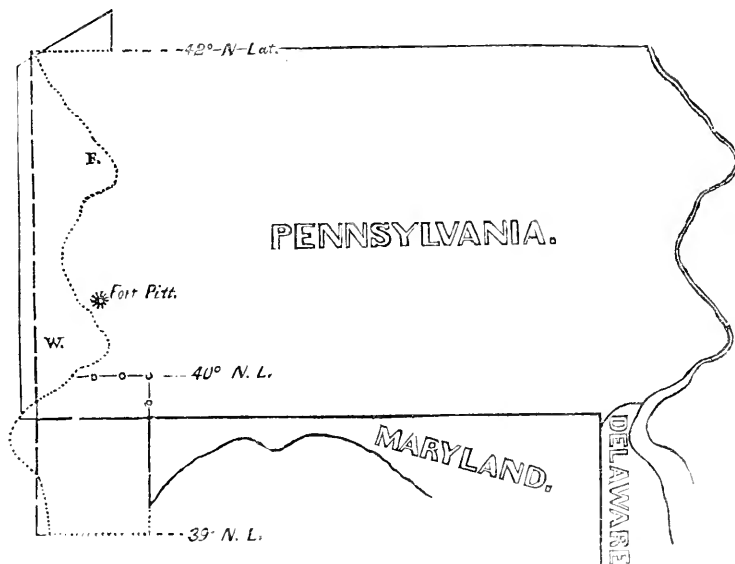
He was, however, not well informed as to the geography of the Delaware river; there being, in fact, only five or six miles difference between its longitude at the Northern and Southern limits of this State. Lord Dunmore does not state very explicitly his construction, as to the Southern boundary of Pennsylvania, though he does speak of “*the beginning* of the fortieth degree of latitude” as such.

The only remaining formal or official construction, is that of the Legislature of Virginia, on the 18th of December, 1776.

It makes the very first suggestion, so far as I have seen, that the boundary line should run *North* from the North-Western angle of Maryland, to the line of latitude 40° complete; then run West along that line to the distance of five degrees of longitude from the Delaware in that latitude, and then for the Western boundary; that John Penn’s scheme should be adopted, or as more convenient, a number of straight lines should be run from prominent points of the Delaware, and the Western boundary be run parallel to those lines.

From this statement of the different interpretations, it will be seen that the Legislature of Virginia utterly discarded and repudiated the construction taken by Lord Dunmore, as to the mode of running the Western boundary, and approved that proposed by Mr. Penn, suggesting, however, a more easy plan. The Western boundary, it would seem then, was no longer a subject of difficulty in December, 1776, Virginia having adopted the views and opinions expressed on that subject, by John Penn, three years before; but at the same time, she suggested an entirely new Southern boundary, and one which would have taken a considerable extent of valuable territory from Pennsylvania.

The following Diagram will make the different propositions more intelligible and satisfactory:



The plain line, thus ———, represents the boundary of Pennsylvania as now established. The small triangle at the North-West corner of the State, was ceded to the United States by New York, in 1781, and was purchased from the General Government in 1792.

The curved and dotted line represents the boundary claimed by John Penn. The line drawn thus — — — — is the boundary proposed by Lord Dunmore. The Virginia Legislature proposed the

line marked thus, —o—o—, extending from the North-West angle of Maryland to Penn's curved line, and along that to the Lake.

The break like this — — across the South boundary of Pennsylvania, is the West end of Mason and Dixon's line.

The letters W and F, indicate the positions of Washington and Franklin.

The Legislature of Virginia, by its resolutions of December 18th, seems indeed to have yielded the only point about which there was really any difficulty or doubt, and to have taken issue upon one of very easy solution. The expressions in the charter as to the Western boundary, were, "Said lands to extend Westward five degrees of longitude from said Eastern bounds." Now as the Eastern boundary was a river, some doubt might well arise on the question, whether it was intended that a boundary should be run, corresponding in all points with the sinuosities of that river. I am not mathematician enough to pronounce the task impracticable; but I can readily perceive that it would be exceedingly difficult and tedious; and Lord Dunmore might well express strong doubt that such was the intention of the grantor.

But as to the Southern boundary, there seems to be no loop to hang a doubt upon. "The *beginning* of the fortieth degree of latitude," are the words. A degree is not a certain indivisible point, but some certain divisible space, having not only a "beginning," of which the charter speaks, but a *termination*, and that beginning and termination must be different. A degree of latitude is defined to be the space or distance on a meridian, through which an observer must pass, to vary his latitude by one degree, or to increase or decrease the distance of a star from the zenith by one degree.

An observer under the equator would be at the "beginning" of the first degree: let him travel North sixty minutes of a degree, or geographical miles, he will then be at the line marked *one* on the maps, that is, at the *end* of the first degree and "*beginning*" of the second. So when he arrives at the line marked 39, he will be at the end of latitude thirty-nine degrees and "beginning" of forty.

That this was the understanding of that matter about that time, was manifest in the case of the Northern boundary which, in the same charter, was fixed at "the *beginning* of the 43d degree of latitude;" and no pretence was ever made of a right to go beyond the line marked 42. Thus if Virginia had succeeded in pushing her boundary

up to 40, Pennsylvania would have been only two degrees wide; although her charter says from the beginning of the 40th to the beginning of the 43d degree. Moreover, if the line of 40 were the beginning of the 40th degree, Pennsylvania, throughout the whole length of Maryland, has acquired, and now holds territory South of her chartered limits, and the manner of fixing the latitude of Mason and Dixon's line, would seem to have been a *studied* transgression of the Southern boundary prescribed in the Charter.

The State House in Philadelphia is in latitude $39^{\circ} 56' 53''$, being more than three geographical miles South of what the Virginia Legislature called the beginning of the 40th degree," and yet Mason and Dixon's line was fixed at fifteen statute miles, due South of the most Southern point of Philadelphia.

Both States, however, were disposed to bring the controversy to a close, and early in 1779, movements were made for this purpose.

Finally, George Bryan, John Ewing and David Rittenhouse, on the part of Pennsylvania, and Dr. James Madison, late Bishop of the Protestant Episcopal church, and Robert Andrews, on the part of Virginia, were appointed Commissioners to agree upon a boundary. These gentlemen met at Baltimore on the 31st of August, 1779, and entered into the following agreement:

"We (naming the Commissioners) do hereby mutually, in behalf of our respective States, ratify and confirm the following agreement, viz: To extend Mason and Dixon's line due West five degrees of longitude, to be computed from the river Delaware, for the Southern boundary of Pennsylvania, and that a Meridian, drawn from the Western extremity thereof, to the Northern limit of said State, be the Western boundary of said State forever."

A narrative of what passed at the meeting of these Commissioners would, no doubt, be interesting; but I presume will never be had. A respected friend, in whose veracity I had entire confidence, has often told me that the Virginia Delegates were willing to have Mason and Dixon's line extended to the Ohio river, and that the objections of George Bryan were interposed, and prevented it. I either never have heard, or have forgotten the authority of my informant, who is now dead, for this statement.

This agreement was ratified and confirmed by the Legislature of Virginia, on the 23d of June, 1780, upon certain conditions, which will hereafter be stated, and subsequently by the General Assembly of Pennsylvania, on the 23d of September, 1780.

On the 1st of April, 1784, was passed an act confirming the agreement entered into between this State and Virginia. The act begins by reciting that, whereas, Commissioners (naming them) had been appointed by the two States to meet and agree upon a boundary line; that they had met and agreed; which agreement was, on the 23d day of September, 1780, unanimously confirmed by this Commonwealth, as follows: A resolution is then recited, stating, that although the conditions annexed to the ratification by Virginia, may tend to countenance some unwarrantable claims which may be made under the State of Virginia, in consequence of pretended purchases or settlements during the controversy, yet this State determining to give to the world the most unequivocal proof of their earnest desire to promote peace and harmony with a sister State, during the present contest with the common enemy, does agree to the conditions proposed by the State of Virginia, as follows: "That the private property and rights of all persons acquired under, founded on, or recognized by, the laws of either country, be saved and confirmed to them, although they should be found within the other; and that in the decision of disputes thereon, preference shall be given to the elder or prior right, whichever of the States the same shall be acquired under, such persons paying, within whose boundary their lands shall be included, the same consideration money which would have been due from them to the State under which they claimed the right; and where any such money hath, since the Declaration of Independence, been received by either State for lands which, under the before-named agreement, falls within the other, the same shall be refunded and repaid; and that the inhabitants of the disputed territory now ceded to Pennsylvania, shall not, before the 1st of December, in the year 1784, be subject to the payment of any tax; nor at any time hereafter, to the payment of any arrears of taxes or impositions heretofore laid by either State; and we do hereby accept and fully ratify the said recited conditions and the boundary line formed.

The agreement of August, 1779, being thus ratified by both States, settled the disputed question, as to the point from which the five degrees of longitude were to be measured, in the manner most favorable to Pennsylvania. Mason and Dixon's line was to be extended to the distance of five degrees of longitude from the Delaware river, in that latitude; and as that river reaches farther West in that latitude than at any other point within the Northern and Southern limits of the

State, the boundary would, of course, extend farther West, than if measured from any other point.

The condition insisted upon by Virginia, in her ratification of an agreement entered into by her own enlightened Commissioners, seems to have been unreasonable, or at all events, it was not reciprocal; because there were no claims under Pennsylvania, outside of the boundary agreed upon, and many persons who had honestly purchased or settled under this State, in Westmoreland, Fayette and Washington counties, were deprived of their possessions by claimants under Virginia. Much valuable land within our present county of Allegheny, is held by Virginia titles.

This question being settled, it was now only necessary to mark upon the ground the boundaries agreed upon.

On the 21st of February, 1781, the President and Council of Pennsylvania, in pursuance of authority vested in them by General Assembly, appointed John Lukens and Archibald McClean, of York county, to extend Mason and Dixon's line to the extent of five degrees of longitude, from the river Delaware. Under this appointment, nothing appears to have been done, and on the 6th of April, 1782, Archibald McClean was appointed again. On the 19th of February, 1783, a letter from McClean, inclosing a report of the proceedings of himself and Virginia Commissioners, was read in the Executive Council. They had extended Mason and Dixon's line, and run a Meridian line from its termination to the Ohio river. This line was, however, only looked upon as a temporary one, and notwithstanding its completion, controversies and mutual recrimination continued. Virginians within the limits of this State, as settled by the temporary line, made complaints to the Governor of Virginia, that the conditions upon which that State had acceded to the line, had been departed from. These complaints were transmitted to the Supreme Executive Council of Pennsylvania. The Council submitted them to the Assembly; a Committee of which body, after full investigation, pronounced them groundless, and recommended that measures be taken to establish the boundary line permanently.

For this desirable purpose, each State selected the best and most suitable men within its reach; so that their work, when completed, would merit and secure entire confidence in its accuracy.

The Commissioners on the part of Pennsylvania were, David Ritzenhouse, John Lukens, John Ewing and Captain Hutchins; and

those on the part of Virginia were, Andrew Ellicot, (who then resided in Maryland,) Bishop Madison, the Rev. Mr. Robert Andrews, and T. Page. These gentlemen performed the duty assigned them, in the summer and fall of 1784.

The Southern boundary of the State being thus extended to its Western extremity, it only remained to run a Meridian line from that point to the Ohio river, to close the controversy with Virginia. This task was committed to Messrs. Rittenhouse and Porter, from Pennsylvania, and Andrew Ellicot and Joseph Neville, from Virginia; who entered upon their work in May, 1784, and on the 23d of August, united in the following report:—

“We, the subscribers, Commissioners, appointed by the States of Pennsylvania and Virginia, to ascertain the boundary between said States, do certify, that we have carried on a Meridian line from the South-West corner of Pennsylvania, Northward to the river Ohio; and marked it by cutting a wide vista over all the principal hills, intersected by the said line, and by falling or deadening a line of trees, generally, through all the lower grounds. And we have likewise placed stones, marked on the East side P., and on the West side V., on the most of the principal hills, and where the line strikes the Ohio; which stones are accurately placed in the true Meridian, bounding the States as aforesaid.”

Persons traveling on the Pittsburgh and Steubenville turnpike road, may see one of the stones a short distance West of Paris, and about thirty miles West of Pittsburgh.

Virginia having on the 1st of March, 1784, ceded to the United States all her right to the territory North of the Ohio river, had no special interest in extending the boundary of Pennsylvania farther North. The boundary was extended to Lake Erie the ensuing year, by Messrs. Porter and McClain.

Having thus traced this controversy from its origin, and having, I fear, exhausted the patience of my audience, I shall now give a brief notice of the operation which each of the schemes for fixing the boundary, would have had upon the States.

Had the proposition of John Penn been acted upon, Pennsylvania would have extended over the whole of Preston, Monongalia and Marion, a large part of Harrison, and portions of Lewis, Randolph and Marshall counties, Va.; and on the other hand, she would have lost the whole of the territory of Beaver and Mercer counties, nine-

teen-twentieths of Washington, portions of Green, Fayette, Westmoreland, Butler, Venango, Crawford, Erie, and two-fifths of Allegheny. The townships of Jefferson, Upper St. Clair, Fayette, Moon and Finley, would have passed to Virginia, with portions of Elizabeth, Mifflin, Lower St. Clair and Robinson. A large portion of Ohio township and a portion of Ross, together with all those entire counties and parts of counties North of the Ohio river, though lost to Pennsylvania, would not have been gained by Virginia, but would have passed to the United States, by the cession of 1st March, 1784, and would, of course, now belong to the State of Ohio. The plan of the Virginia Legislature would have taken from Pennsylvania all that she would have lost under Penn's project, with the addition of the residue of Greene county, and about two-thirds more of Fayette.

Lord Dunmore's project is not very plain, as to the Southern limit of this State. He speaks of the *beginning* of the 40th degree of latitude, but whether he meant the 39° or 40°, is not obvious; for he does not say whether the line should run North or South from the North-West angle of Maryland. In the one case, his Southern boundary of Pennsylvania would have been the same as that of John Penn; in the other case, it would have been identical with that of the Virginia Legislature, to Penn's curved line. But as Gov. Penn, in his letter of the 31st of March, 1774, stated very distinctly to his Lordship, the claim of the Proprietaries of Pennsylvania, to run *South* along the Western line of Maryland to the beginning of the 40th degree, and as his Lordship did never, so far as I have seen, controvert that claim, we may infer that he understood the words, "beginning of the 40th degree," to mean the line of 39 degrees.

His Western boundary would have cut off from Pennsylvania a strip of land four or five miles wide, and extending from the Southern boundary to the Lake.

The compromise of August, 1779, seems to have been a very fair and reasonable one. Pennsylvania abandoned her claim to the parallelogram between Mason and Dixon's line extended, on the North, and "the beginning" of latitude 40 on the South, and from the West line of Maryland Westward, to the extent of five degrees from the Delaware, being about 54 miles long and 50 miles wide. On the other hand, she gained, to the West of Penn's curved line, about an equal extent of better land.

Both States secured more compact territories than either of the

plans proposed by Lord Dunmore, John Penn, or the Virginia Legislature, would have given them; and Pennsylvania especially, has obtained the exclusive dominion of the Ohio river for more than forty miles; instead of having the States of Virginia and Ohio cornering within six miles of our city. This State has also, by the Compromise, gained the territory along the Big Beaver river, through which the Canals to Erie and Cleveland extend.

A few brief remarks upon the statements of Mr. Barton, in his life of Rittenhouse, and of Judge Brackenridge, in his short chapter, will conclude this Lecture, which has already been extended beyond my expectations.

Mr. Barton, in a note to his work, says—"The difference between Mason and Dixon's line and 'the beginning of the fortieth degree of latitude,' was *gained* by Mr. Penn, as far as Maryland extended, in consequence of a compromise with Lord Baltimore, whereby the latter gained *some* advantage." "*Some* advantage," is certainly a very loose expression for the biographer of an eminent mathematician; but *where* that author asserted that Penn, with the *younger* grant, had gained something from an *older* grantee, it became necessary to assume that the latter had gained elsewhere, in return, "*some* advantage;" but it was impossible to lay a finger upon that advantage. A loose expression was, therefore, the only resource left. The truth is, that Penn's Charter would have entitled him to go South to latitude 39° being the beginning of latitude 40° ; but the older grant to Lord Baltimore prevailed, and Penn *lost* the strip of land from latitude 39° to Mason and Dixon's line, throughout the whole length of Maryland. Thus Pennsylvania, instead of being three degrees wide, as the Charter and the Minutes of Council at the time show it was intended to be, was only a little more than two degrees in width.

Again, in the same note, Mr. Barton says,—“The boundary line between Pennsylvania and Virginia was continued due West from the North-West angle of Maryland; instead of then coming back to the 40° of North latitude; by virtue of an agreement by which the former relinquished her right to run her Western boundary parallel to the meanderings of the Delaware.” I think I have shown satisfactorily, that Penn's Southern boundary, according to his Charter, was the line of latitude 39° ; so that it was Pennsylvania, and not Virginia, who yielded in the location of the Southern boundary. As to the Western boundary, the Legislature of Virginia, in December,

1776, had acceded to the curved boundary proposed by Penn. The true terms and spirit of the compromise of 1779 were as follow:— Pennsylvania relinquished her claim to the territory South of Mason and Dixon's line, and Virginia agreed that the five degrees of longitude should be measured from the most Western point on the Delaware; thus compensating Pennsylvania for what she lost South of Mason and Dixon's line extended.

Judge Brackenridge differs entirely from Mr. Barton, in his account of the matter. He says,—“He (Penn) had a right to run *South*, at the extremity of Maryland, a degree.” “Then a line due West to the extremity of the fifth degree of longitude from the Delaware.” This is correctly stated, except as to the distance Penn had a right to run South, which was really about fifty statute miles, not “a degree.” Again the Judge says,—“There was in dispute with Virginia, a degree of latitude for the distance of twenty-three miles due West, after passing the Charter boundary of Maryland.” The disputed territory South of Mason and Dixon's line, extended due West not twenty-three, but about fifty-four miles. The Judge's mistake probably occurred in this way. From the end of Mason and Dixon's line to the South-West corner of Pennsylvania, is about twenty-three miles. This was run by Rittenhouse and his colleagues; and the Judge probably had personal knowledge of their work, and perhaps supposed that Mason and Dixon's line terminated at the North-West corner of Maryland.

Again the Judge says,—“Pennsylvania claimed a line North parallel with the Delaware, *but not according to the curves*. Virginia claimed according to the curves; the sinuosities of which river would throw considerable bays into Virginia.”

All who have heard this Lecture, may recollect that John Penn, as well as Messrs. Tilghman and Allen, claimed according to *the curves of the Delaware*; that Lord Dunmore insisted upon a meridian line; and that it was not until the close of 1776, that Virginia acceded to the proposition of a crooked Western boundary.

I have thus given a history of the rise, progress and final settlement of that controversy, which was once the subject of deep and exciting interest, in this section of country. In giving this narrative, I have labored to make it as brief as the dispute, extending through many years, would admit, and as plain and intelligible as

the short space of an evening Lecture would allow. I have aimed at no ornament; but have endeavored to give a distinct knowledge of a stirring incident in our early history; an incident which merits preservation from oblivion, if not as a warning to our different States not recklessly to enter into controversies with each other, at least as a proud example of wisdom, moderation and patriotism, in its final settlement; an example which every patriot may fervently desire to see imitated, in all future collisions between the various States of our beloved Union.

