

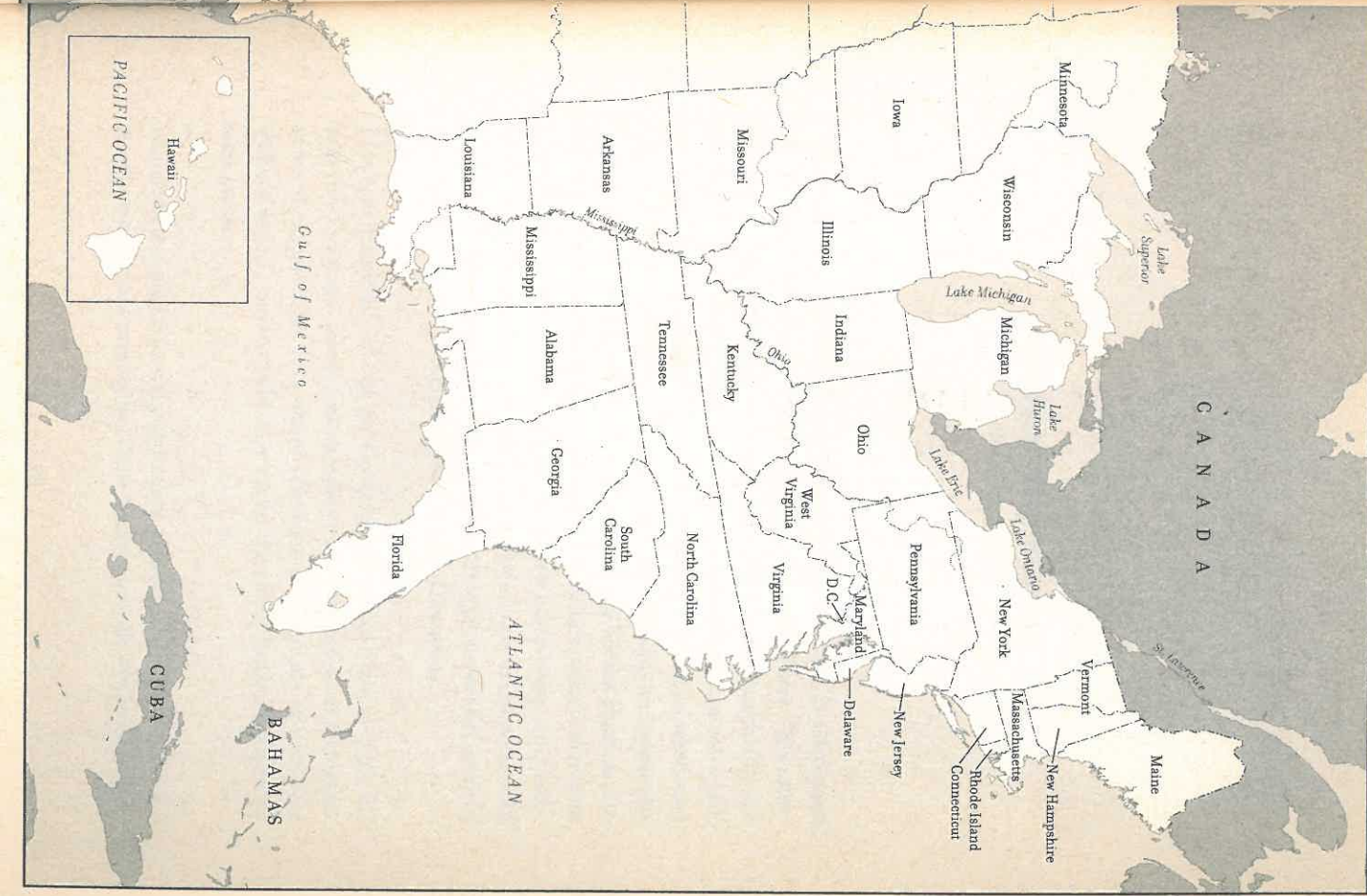
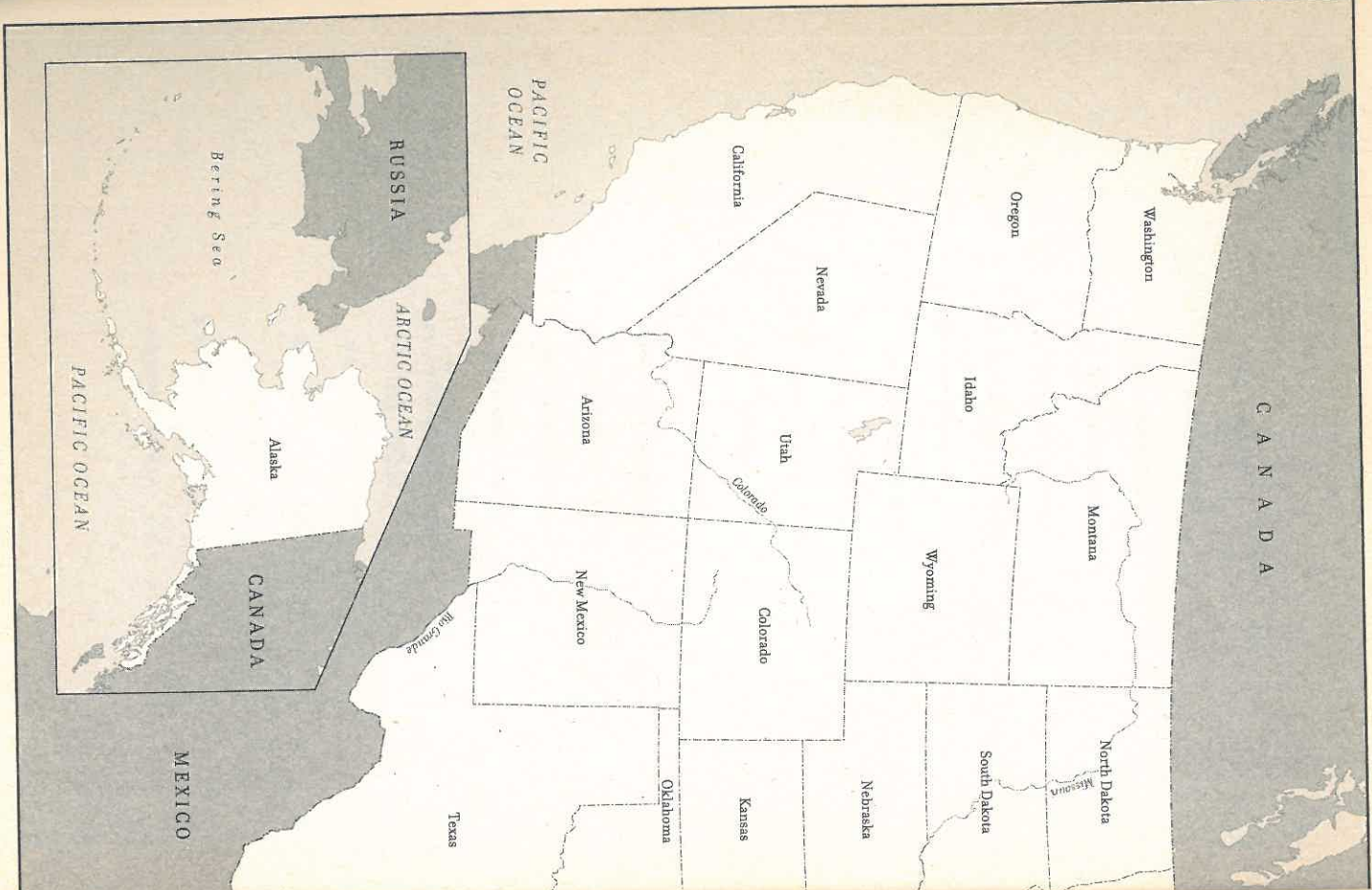
**How the States
Got Their
Shapes**



MARK STEIN

HARPER

NEW YORK • LONDON • TORONTO • SYDNEY



NEW JERSEY



Who tilted New Jersey's northern border and why? Why not just go straight across? And why, since it is tilted, does it start and end at the points where it does? Wouldn't it all make more sense if New Jersey were just the eastern end of Pennsylvania?

In its previous life, New Jersey was part of the Dutch New Netherlands. The Dutch claimed all the land between the Connecticut River and the Delaware River. (Figure 114)



FIG. 114 Dutch New Netherlands

New Jersey's Western Border

In 1674, England ousted the Dutch from North America. King Charles II granted proprietorship of his new acquisition to his brother, the Duke of York. The duke, in turn, granted the land we now call New Jersey to Lord John Berkeley and Sir George Carteret. The duke defined the western border of New Jersey as being the channel of the Delaware River and Bay, (except within the 12-mile radius of New Castle, Delaware, where the entire river belonged to Delaware). This remains the western border of New Jersey to this day. With two exceptions. Twice, what would clearly seem to be New Jersey is actually Delaware! (See Figure 2, in INTRODUCTION. For more details, go to DELAWARE.)

That New Jersey is not simply the eastern end of Pennsylvania is not for lack of trying on the part of Pennsylvania. In 1681, William Penn and others from his colony purchased the western half of New Jersey from Sir George Carteret's widow. But confusion over authority led England to

reorganize the region. In 1702, the crown united East and West Jersey into New Jersey and placed New Jersey under the rule of New York.

New Jersey's Northern Border

The Duke of York defined the northern border of New Jersey as being the line between "the northernmost branch of the said bay or river of Delaware, which is $41^{\circ}40'$ latitude" and the point where the Hudson River crosses 41° N latitude. It would be some years before it was discovered that the northernmost branch of the Delaware is considerably north of $41^{\circ}40'$. (Figure 115)

When New Jersey became a colony in its own right in 1738, one of its first actions was to survey its borders. This survey revealed the northern border contradictions in the royal grant to Carteret and Berkeley. Graciously (or more likely, realistically), New Jersey limited its claims to the more conservative of the two locations mistakenly stated by the

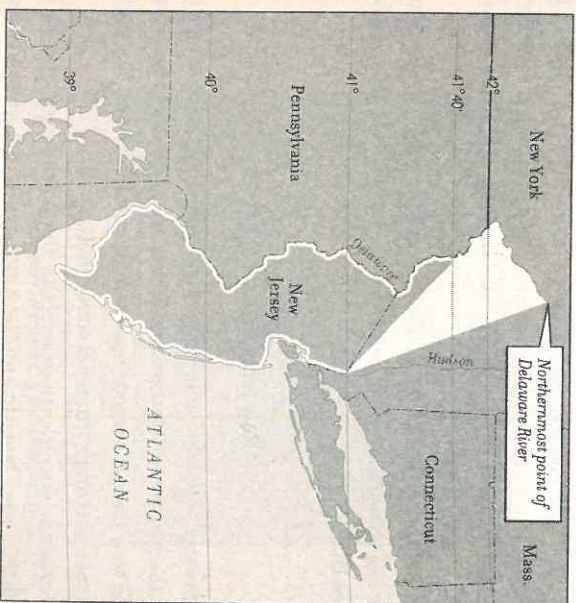


FIG. 115 New Jersey's Northern Border—Conflicting Stipulations

duke—that being the one locating its northwest corner at the point where the Delaware River crosses $41^{\circ}40'$. Even so, New Jersey now claimed possession of a narrow strip of land along the north side of the Delaware. Conflicts and violence ensued as authorities from the colonies of New Jersey and New York sought to collect taxes and record deeds for this strip of land. Only after the American Revolution did the two states agree to relocate New Jersey's northwest corner to its present location, which is the point where the Delaware makes a 90-degree turn to the northwest, thereby ceeding to New York the narrow strip of land between the river and $41^{\circ}40'$.

Still, New York and New Jersey continued to spar over the other end of this border: the point where the Hudson River meets the 41st parallel. According to New Jersey, the Hudson met the 41st parallel at the town of Haverstraw, which in fact was so far north of 41° one wonders if New Jersey had very bad surveyors or very good negotiators. The latter appears to be the case, since when New York claimed the Hudson met the 41st parallel at the town of Closter, which was south of 41° , New Jersey met New York halfway, claiming 41° was where the Sparkill meets the Hudson. Ultimately, the two sides agreed to locate the eastern end of their border at the point where the Hudson meets the *actual* 41st parallel.

What was that all about? Most likely, it was about applying pressure in another negotiation between New Jersey and New York, this one farther down the Hudson.

New Jersey's Eastern Border

In the densely populated and commercially bustling harbor area in and around the bottom of Manhattan, the boundary conflicts between New York and New Jersey focused on seemingly minute issues. But hidden in those issues were huge financial consequences.

The original documents describing the boundaries of New Jersey stated that it was "bounded on the east part by the main sea and . . .

Hudson's river." Sounds simple enough. Unless someone asks if this description means that the Hudson River is part of New Jersey or comes up to the edge of New Jersey. New York took the position that the Hudson River met the edge of New Jersey, making the river itself within New York's jurisdiction. New Jersey took the position that its separation from New York's jurisdiction in 1738 entitled it to a border at the midpoint of the Hudson and the harbor into which it flowed. As such, New Jersey claimed its borders included any island to the west of that midline, such as Staten Island (which is, after all, much closer to New Jersey than to New York).

A long dispute ensued. Not until 1833 did the two states come to an agreement, and the only way they managed that was with some very creative borders. Under the agreement, the boundary of the land under the water was located at the center of the Hudson River and Upper New York Bay. A second boundary, on the surface of the water, gave New York jurisdiction over all land above the water up to the mainland. (Figure 116) Excepted from this, however, were "above water" surfaces that were

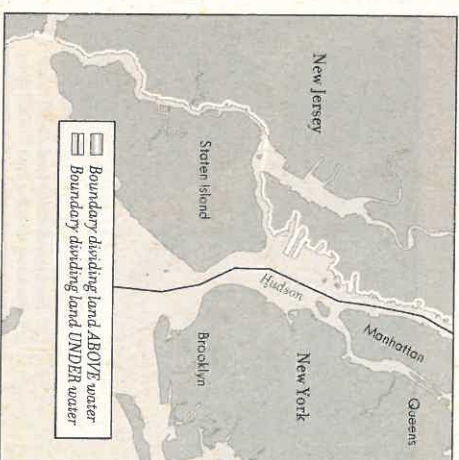


FIG. 116 New York/New Jersey Dual Boundary—1833

attached to the New Jersey mainland and anything attached to those surfaces. What were those lawyers talking about?

Docks. That is what New Jersey got out of this deal, along with possession of the land under the water on their half of the Hudson, for what that's worth. (And we'll soon see what that's worth.) But the immediate gain was that New Jersey got to have a harbor and that is the multimillion dollar reason the New York/New Jersey boundary acquired this peculiar dual course.

While New York won jurisdiction over the islands in Upper New York Bay (including, therefore, Staten Island), New Jersey appears to have had the last laugh. In 1892, so many immigrants were pouring into New York that it needed an enlarged facility for processing them. (At that time, immigration was handled by the states.) It selected Ellis Island in Upper New York Bay. The tiny island was enlarged with landfill to accommodate the structures required. In recent years, Ellis Island, no longer used for immigration, has become a very popular tourist site.

In 1993, New Jersey dusted off its 1833 agreement and headed to court, claiming that those areas of Ellis Island that had been created out

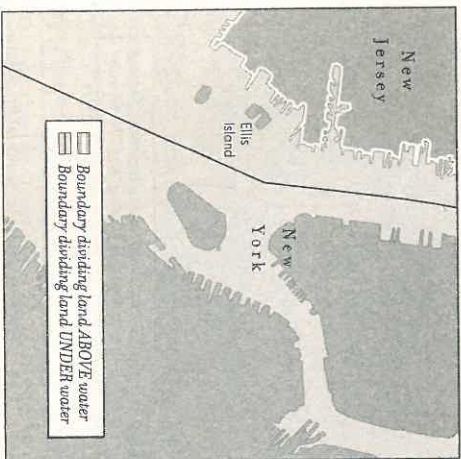
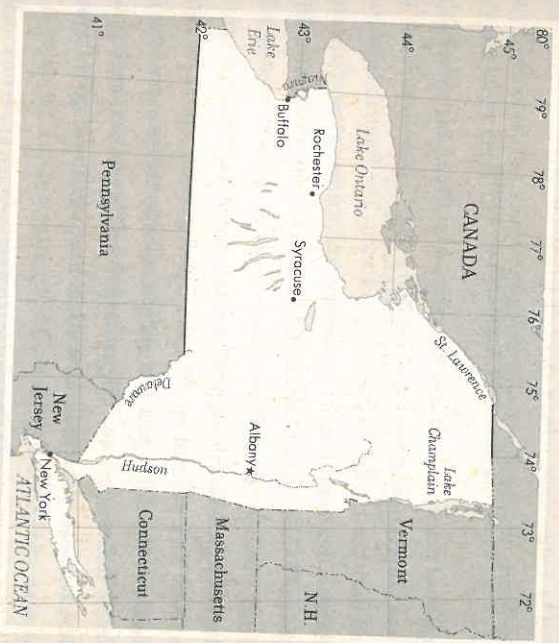


FIG. 117 New Jersey/New York Dispute over Ellis Island

of landfill actually belonged to them, since the agreement gave New Jersey the land under the water that was west of the mid-channel line. (Figure 117)

New Jersey argued that New York had trespassed on its underwater land and then, by filling it to a point above the water, added theft to trespassing! New York didn't view it that way. But the Supreme Court did, and in 1998 it ruled that those areas of Ellis Island that were below water in 1833 are today part of the State of New Jersey. Today, it is officially Ellis Island, New York/New Jersey.

NEW YORK



Why does New York's eastern border contain a long line that's twice bent? And why did New York snip off tiny sections from the southwest corners of Massachusetts and Vermont? How come New York's northernmost border suddenly becomes a straight line instead of continuing on as it had been along the St. Lawrence River?

The land that eventually became New York was previously part of the Dutch New Netherlands. (See Figure 114, in NEW JERSEY) When

the British defeated the Dutch in 1674. King Charles II gave a large portion of England's new acquisition to his brother, the Duke of York. The colony of New York assumed that its boundaries were those of the former New Netherlands down to the border of New Jersey. Accordingly, New York continued those border disputes in which the Dutch and their neighboring British colonies had been engaged.

The New York/Connecticut Border

Along almost the entire length of its eastern edge, New York wished to preserve the Connecticut River as its boundary. The Connecticut River, after all, had been the border claimed by the Dutch. The English colonists in Connecticut, however, sought to preserve their ports along the coast of Long Island Sound. In fact, they had already negotiated the Treaty of Hartford with Dutch governor Peter Stuyvesant back in 1650, in which both sides agreed upon a border located 10 miles east of the Hudson River.

But New York pointed out that the Dutch government never ratified the Treaty of Hartford. And instead of a 10-mile buffer east of the Hudson, New York wanted 20. (Figure 121) For Connecticut, such a buffer would have been disastrous, as it would have swallowed up the towns of Greenwich and Stamford.

In 1684, New York and Connecticut commissioned surveyors to devise a boundary that sought to accommodate Connecticut's existing settle-



FIG. 121 The Disputed Eastern Border of New York

ments and still achieve New York's objectives. The surveyors came up with a two-part solution. The first part was the creation of a panhandle at the southwest corner of Connecticut, preserving its existing settlements. (See Figure 40, in CONNECTICUT) Since this panhandle resulted in a loss of land from New York, part two compensated for that loss by releasing to New York an equivalent amount of land farther north. From Ridgefield, Connecticut, to the Massachusetts border, a long slice of land that came to be known as "the Oblong" was given to New York. (See Figure 41, in CONNECTICUT)

The New York/Massachusetts Border

The middle segment in New York's twice-"bent" eastern border is its boundary with Massachusetts. Since each of the colonies to the east of New York separately negotiated its boundary with New York, the result was a series of separately angled straight-line segments that, taken together, appear to be bent twice.

In the case of Massachusetts also, the dispute emanated from the overlapping boundary claims regarding the Connecticut River (the border claimed by New York) and the Hudson River (the border claimed by Massachusetts). In this instance, however, the two colonies could not resolve their differences, and England intervened. In 1759, the British government declared that the New York/Massachusetts boundary was to be a straight line 20 miles east of, and as parallel as possible to, the Hudson River. To this day, that line remains the New York/Massachusetts border. Almost.

The "almost" regards the southwest corner of Massachusetts. The mountainous terrain at this location is such that, at the time, the only roads to this area's town, Boston Corners, were via Connecticut or New York. This roundabout access was more than inconvenient. Since it interfered with the ability of Massachusetts to maintain order, Boston Corners became a hive of disorderly individuals. Eventually, Massachusetts offered this land to New York, which was only too happy to clean out the hive. In 1855, Congress approved the transfer. So New York did not

snip off the corner of Massachusetts. Massachusetts snipped it off itself. (See Figure 93, in MASSACHUSETTS.)

The New York/New Jersey Border

When the Duke of York divided his portion of the New Netherlands, he stipulated that the border between New York and New Jersey was to be a straight line from the source of the Delaware River, "which is in one and forty degrees and forty minutes of latitude," to the point where the Hudson River crosses 41° N latitude. As it turns out, the Delaware reaches nearly to $42^{\circ}30'$ over 50 miles farther north than the Duke of York realized. New Jersey never sought to claim this larger boundary, but it did claim its northwest corner at the latitude stated by the duke, $41^{\circ}40'$. In doing so, New Jersey laid claim to a very narrow strip of land along the northern side of the Delaware River. (See Figure 115, in NEW JERSEY.)

New York had always assumed that its border with New Jersey extended along the Delaware River itself down to the point at which the river makes a 90-degree turn. A good deal of unpleasantness and even violence ensued when both colonies sought to collect taxes, record deeds, and otherwise assert their authority over the same narrow strip of land.

After the Revolution, New Jersey agreed to let the river itself be the border. This enabled the two states to argue over New Jersey's eastern border with New York. (For the details on this dispute—and it's a dilly—go to NEW JERSEY.)

The New York/Pennsylvania Border

New York's other neighbor to the west is Pennsylvania—though there was a possibility that it could have been Massachusetts and Connecticut, since their royal charters stated that their western borders were the Pacific Ocean. Both states were blocked, however, by New York. As Indian treaties cleared the land bounded by Pennsylvania, the Catskill Mountains, and Lake Ontario, New York, Massachusetts, Connecticut, and Pennsylvania all asserted their claims in the region. (Figure 122)

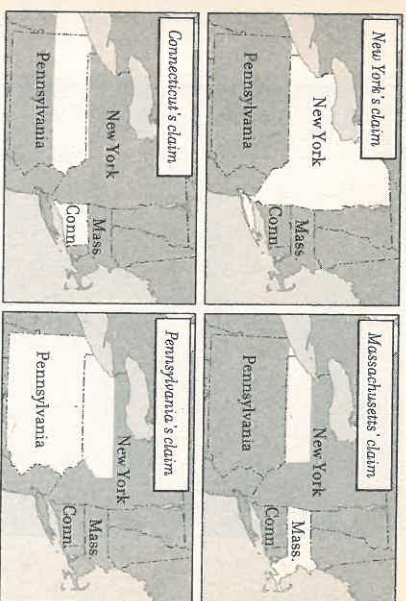


FIG. 122 Western New York—Overlapping Colonial Claims

New York was particularly motivated with regard to its claim since, by the end of the Revolution, the idea of a canal linking Lake Erie with the Hudson River was becoming increasingly feasible. Though such a canal's exact route was not yet certain, New York feared that the canal would have to pass below 43° , which Pennsylvania claimed as its northern border. (Figure 123) New York maintained that the northern border of Pennsylvania was 42° , despite the fact that Pennsylvania's royal charter stated that it was the bounded on the north by "the beginning of the three and fortieth degree of northern latitude." (For more on this, go to PENNSYLVANIA.)

In 1785–6, the federal government helped broker a solution among the claims of New York, Massachusetts, Pennsylvania, and Connecticut. The key to the agreement was Virginia.

Virginia (which, at the time, included West Virginia) and Pennsylvania had been engaged in a dispute over the Ohio River region of western Pennsylvania—or Virginia—depending on your point of view. (For more details, go to PENNSYLVANIA.) Once settled, Pennsylvania was more amenable to compromise regarding its northern border's access to Lake Erie. Pennsylvania ceded to New York its claims north of 42° , with the exception of land west of the longitude of Lake Ontario's western end.

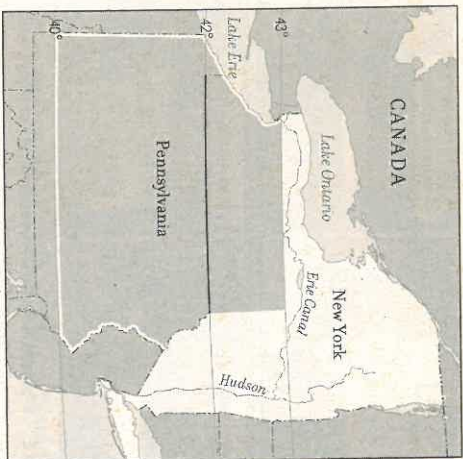


FIG. 123 The Erie Canal in Relation to 43°

Pennsylvania thereby maintained 30 miles of waterfront on a Great Lake that included an excellent port at what is now the city of Erie, and New York obtained the border it wanted to enable it to build the Erie Canal. (Figure 124) (Connecticut, for its part, was given land holdings it claimed farther west, in the area that is now northern Ohio. And Massachusetts obtained the ownership rights to some 6 million acres of land in western New York, though the land remained under the sovereignty of New York.)

The New York/Canadian Border

New York's northern border with Canada dates back to 1763, the year England signed its peace treaty with France ending the French and Indian War. In addition to acquiring the land between the Mississippi and Ohio rivers, England also acquired what is now the province of Quebec, which included its priceless avenue of commerce, the St. Lawrence River.

But England also acquired problems—the foremost of which was its new subjects, who were French and Catholic. Understandably, these Quebecois were concerned about all those English-speaking Protestants

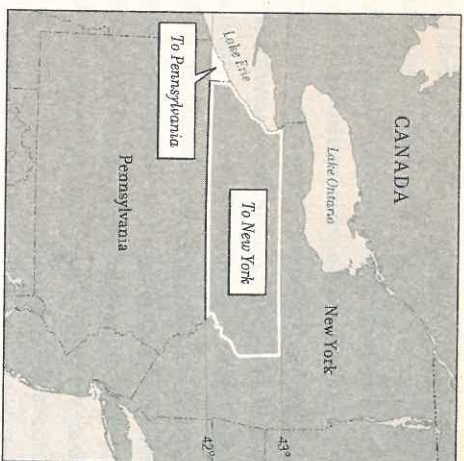


FIG. 124 New York/Pennsylvania Boundary Agreement—1785

who had settled in New England. The Americans were, at the time, furious with England for prohibiting them from expanding into the land they had helped England win west of the Ohio River. Would their eyes now turn north to the regions around the St. Lawrence?

King George III was concerned about American expansionism leading to problems in England's lucrative Canadian commerce, which relied upon the St. Lawrence River. The king therefore created a border to divide the Americans from the Quebecois. The line he defined followed the St. Lawrence until it crossed the 45th parallel. At this point the border became a straight line east to the Connecticut River. The line was designed to provide a buffer for the security of Montreal and to encompass the majority of the French-speaking people. Evidently, it did its job well, for it remains in place to this day. (See Figure 165, in VERMONT.)

The New York/Vermont Border

That segment of American/Canadian boundary that follows the 45th parallel initially resulted in a protrusion on the upper eastern end of

New York. Today, we call this protrusion Vermont. (See Figure 165, in VERMONT.) At the time that George III created the boundary between the Americans and the Quebecois, New York was engaged in a border dispute with New Hampshire. As in previous disputes, New York maintained that its eastern border was the Connecticut River. In those disputes, New York ultimately had to settle for a compromise. But in this instance, the king ruled in favor of New York, despite the fact that it was a far larger and wealthier colony than New Hampshire. In fact, the king ruled in favor of New York because New Hampshire was smaller and poorer and, therefore, more inclined to expand into Quebec. Consequently, in the same year that George III set 45° as the boundary between New York and Canada, he declared the Connecticut River to be the eastern border of New York north of Massachusetts. (See Figure 112, in NEW HAMPSHIRE.)

Indeed, New Hampshire was hungrier politically and geographically. Many of those Americans then living on land granted by New Hampshire in the disputed region (grants that were now invalid) joined the ranks of the Green Mountain Boys, under the leadership of Ethan Allen. New York, in turn, sent forces to protect its tax collectors. Before the conflict erupted, however, a larger conflict erupted: the American Revolution.

Vermont continued to seek recognition as a separate state during the Revolution, even going so far as to threaten to ally itself with England. (For more on these maneuvers, go to VERMONT.) In 1791, Congress yielded to Vermont's threats and New York consented to a new border. From the northwest corner of Massachusetts, the border now headed northwestward to a point 20 miles from the Hudson. (So New York did not, as it might appear, snip off the southwest corner of Vermont. Rather, the line angles away from the point where it leaves Massachusetts to re-adjust its position to the 20-mile margin.) As with New York's borders with Massachusetts and Connecticut, its border with Vermont runs as a straight line, rather than attempting to follow every twist and turn in the Hudson. But in the case of Vermont, the Hudson peters out. In lieu of the Hudson, the straight line continues to the Poutney River, at which point the border follows that river to Lake Champlain, then follows Lake

Champlain northward until reaching 45° N latitude. (See Figure 166, in VERMONT.)

After the Revolution, Congress would locate the nation's internal borders with the goal that all states should be created equal. There would be exceptions to this, most notably Texas and California, but they would be the exceptions that prove the rule. Before the Revolution, however, no such notion of equality prevailed, either in terms of colonial borders or in terms of the people who lived within them. We can see this disparity in the fact that the thirteen American colonies were widely different in size, in fact even more so than they are today.

a due west line takes over, ending at the eastern border of New York. This due west line later became the southern border of Vermont.

Vermont's Eastern and Northern Borders

After the British victories over the French in what is today the province of Quebec, England acquired, in 1763, not only a great deal of new territory but also a great deal of new subjects. Unhappy, French-speaking subjects. Without France as their protector, the Quebecois worried about, among other things, the expansionist (not to mention Protestant) Americans to their immediate south. England, for its part, worried about any conflict that might cause disruption of commerce along the St. Lawrence River, for which England had fought so hard. Securing a separation between the American colonies and Quebec seemed like a good idea.

In 1763, King George III declared that the 45th parallel, from the St. Lawrence River to the Connecticut River, would be the border between the province of Quebec and the colony of New York. More important, the king declared the Connecticut River to be the eastern border of New York—not as New Hampshire claimed, the Hudson River. (Figure 165)

Why would the king do this? Certainly New Hampshire needed the territory more than New York. Not only was New York larger than most other colonies but, with the Hudson River and its harbor at Manhattan, it was wealthier, too.

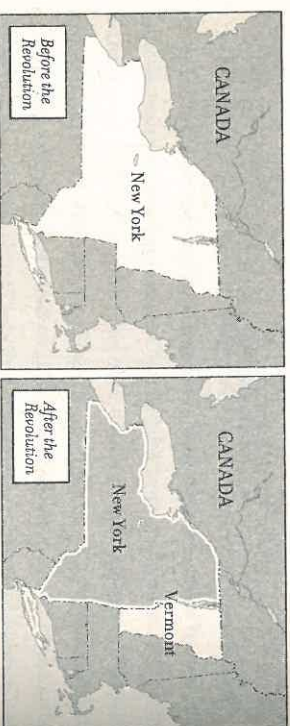


FIG. 165 The Emergence of Vermont

The quest for equality, however, was not a characteristic of British rule. From the king's point of view, New York was large, affluent, generally content, and not much motivated to venture into Canada. New Hampshire was small, less affluent, and expansionistic. Already it had begun issuing titles to the disputed land west of the Connecticut River. By granting to New York all the land up to the Connecticut River, the king knew any moves toward Quebec by New Hampshire would be thwarted by the highlands in its north and by the powerful colony of New York on its west. (See Figure 113, in NEW HAMPSHIRE.)

Much of this changed after the Revolution, but one element that did not was the border along the 45th parallel, which sought to separate the Quebecois who had settled south of the St. Lawrence from the Americans. This line remains the northern border of Vermont to this day.

Vermont's Western Border

For all the wisdom embodied in George III's northern border of New York, his eastern border along the Connecticut River was completely unsuccessful. When the New York authorities attempted to tax the

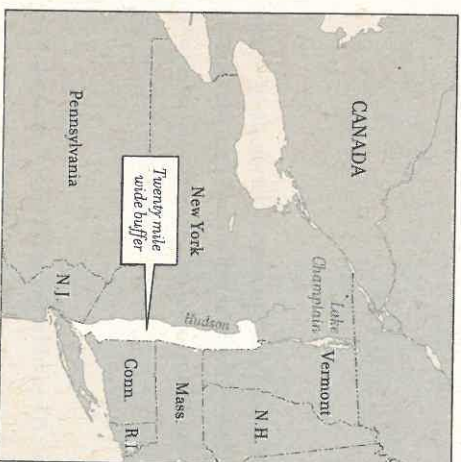


FIG. 166 Hudson River—20-Mile Border Buffer

residents, they found themselves facing the muskets of Ethan Allen and the Green Mountain Boys.

Before violence erupted, however, the American Revolution commenced. In keeping with the spirit of the time, the region declared its own independence as the state of Vermont. When the Continental Congress refused to recognize it, Vermont threatened to ally itself with England. In response, Congress voted to invade Vermont! But George Washington resisted, pointing out that his troops had little desire to fight fellow Americans.

Hence, in 1791, Congress recognized the state of Vermont, and to divide it from New York, Congress established a border that continued the 20-mile-wide buffer used to separate the Hudson from Massachusetts and Connecticut. (Figure 166) Beyond the Hudson, Lake Champlain, via its southernmost tributary, served as an ideal continuation of the line.



FIG. 38 Massachusetts Towns Inside Connecticut Border

Finally, in 1804, the two sides agreed that, as compensation to Massachusetts for losing these towns, Connecticut would partition Congamond Lakes, farther west. This is why there is a notch in the northern border of Connecticut. (See Figure 91, in MASSACHUSETTS.)

Connecticut's northern border also contains a very slight dip, east of the notch. This dip reflects a final concession to Massachusetts. Connecticut agreed to let the boundary follow the crest of the hills at the point where the Connecticut River crosses the border. Today the gesture may seem minor, but in an era when the Connecticut River and its riverbanks were vital to the region's prosperity, the more geographically natural boundary was significant.

Connecticut's Western Border

During the years that Connecticut was disputing its border with Massachusetts, it was also arguing with New York. This conflict emanated from a charter bestowed upon Connecticut in 1662. King Charles II granted Connecticut all the land bounded on the east by Narragansett Bay, on the north by the Massachusetts Colony, on the south by Long Island Sound, and on the west by, as had become the tradition, the Pacific Ocean. (Figure 39)

It didn't matter that this boundary overlapped Dutch claims, since England and Holland repeatedly went to war over their American territories. But when England ousted Holland for good in 1674, turning its land into Delaware, New Jersey, and New York, Connecticut's Pacific

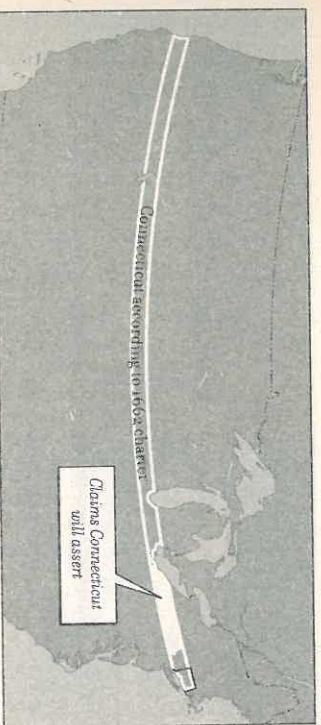


FIG. 39 Connecticut According to 1662 Charter

coast border ruffled the feathers of New York. (See Figure 114, in NEW JERSEY.)

The two colonies commissioned a boundary survey in 1683. The problem was providing New York with the agreed upon 20-mile buffer east of the Hudson while at the same time preserving for Connecticut its towns of Greenwich and Stamford. The solution turned out to be a panhandle. (Figure 40)

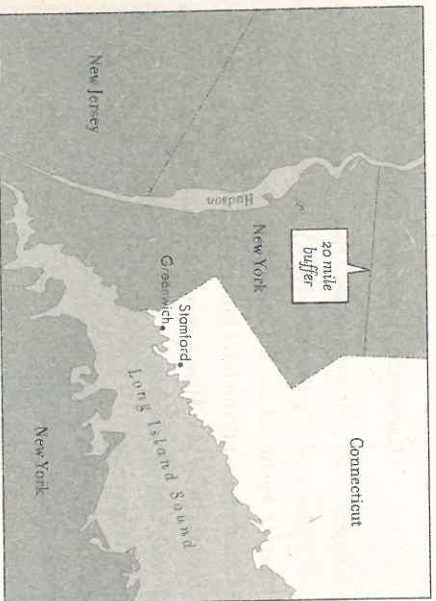


FIG. 40 Connecticut's Southwest Panhandle

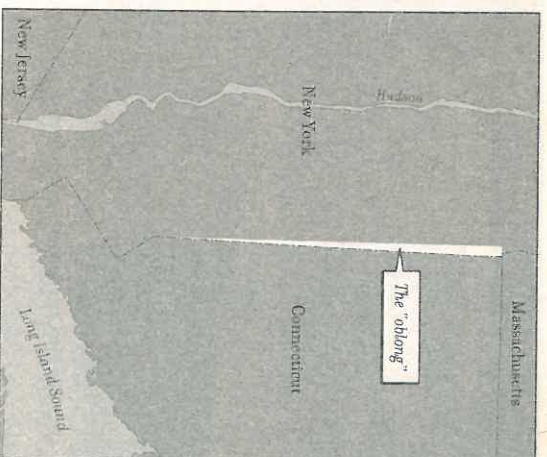


FIG. 41 Adjusted Western Border of Connecticut

To compensate New York for the land claims it released in creating the panhandle, Connecticut gave to New York a strip of land along its western border. This land is known as "The Oblong" (Figure 41). It extends from Ridgefield, Connecticut, to the Massachusetts line. It is this strip of land that accounts for the fact that Connecticut's western border is not quite aligned with that of Massachusetts.

Connecticut's Eastern Border

On the east, the border that King Charles II had stipulated in his 1662 Connecticut charter, he un-stipulated in his 1663 Rhode Island charter. To create the colony of Rhode Island, Charles II fixed as its boundary with Connecticut the Pawcatuck River, some 20 miles west of Narragansett Bay, which had been Connecticut's eastern edge. The king now said that the boundary line was to follow the Pawcatuck to its source, then continue due north to the Massachusetts line. (Figure 42)