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Southern bend of Lake Michigan

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SOUTHERN BEND OF LAKE MICHIGAN.

DECEMBER 10, 1828.

Mr. STRONG, from the Committee on the Territories, to which the subject had been referred, made the following

REPORT :

The Committee on the Territories, to whom was referred the resolution of the 5th December, 1828, to inquire into the expediency of giving the assent of Congress to the provisions of the sixth section of the seventh article of the Constitution of Ohio, relative to the boundary line between that State and the Territory of Michigan, report :

That this subject was before the Committee at the last session of Congress. A report (accompanied by a bill) was then made, to which your committee beg leave to refer, and to make a part of this report. Your committee submit to the House the accompanying bill, which is in all respects as it passed the House at the last session.

The Committee on the Territories, to whom was referred the memorial of the Governor and Judges, and a resolution of the Legislative Council, of the Territory of Michigan, respecting the boundary line between said Territory and the State of Ohio, respectfully submit the following report :

The memorialists of the Legislative Council of the Territory of Michigan claim that the dividing line between the said Territory and the State of Ohio shall be a line running due east from the southern extreme of Lake Michigan; and Ohio claims that the dividing line shall be a line running from the point where the east line intersects her western boundary, (as surveyed under the act of Congress of May 20th, 1812,) to the North Cape of the Miami Bay. This cape is about seven or eight miles north of where the line, run under the act of 1812, crosses the Miami river.

By the 5th article of the ordinance of July 13th, 1787, after directing that the Northwest Territory shall be divided into not less than three, nor more than five States, it is *provided*, "that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that portion of the said Territory, which lies north of an east and west line, drawn through the southerly bend or extreme of Lake Michigan."

The boundaries of the State of Ohio were prescribed by the second section of the act of Congress, of April 30th, 1802, as follows : "Bounded on the east by the Pennsylvania line; on the south by the Ohio River, to the mouth of the Great Miami River; on the west by the line drawn

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due north from the mouth of the Great Miami aforesaid ; and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence, with the same, through Lake Erie, to the Pennsylvania line aforesaid."

The constitution of Ohio was formed November 29th, 1802. The seventh article of it establishes the boundary prescribed by the aforesaid act of Congress, of April 30th, 1802, with this *proviso* : "That, if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said lake east of the mouth of the Miami River of the Lake, then, and in that case, with the assent of the Congress of the United States; the northern boundary of this State shall be established by, and extend to, a direct line, running from the southern extremity of Lake Michigan, to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River, as aforesaid ; thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line."

Congress passed a law, May 20th, 1812, by which the Surveyor General, under the direction of the President of the United States, was authorised and required "to cause to be surveyed, marked, and designated, so much of the northern and western boundaries of the State of Ohio, which have not been already ascertained, as divides said State from the Territories of Indiana and Michigan, agreeably to the boundaries as established by the act" of April 30th, 1802 ; "and to cause to be made a plat or plan of so much of the boundary line as runs from the southerly extreme of Lake Michigan to Lake Erie ; particularly noting the place where the line intersects the margin of said lake, and to return the same, when made, to Congress."

A line to be run due east from the southerly bend or extreme of Lake Michigan to Lake Erie, was the line established, and is the only one which has been recognized by Congress.

This line was surveyed in October, 1818, as directed by the act of May 20th, 1812. This line was found to run about *eight* miles south of North Cape, to cross the Miami River some distance from its mouth, and to strike Lake Erie south of Cedar Point, and east of the Miami Bay. There is manifestly an error in the survey, or in the observations. Where the line intersects the margin of Lake Erie, the latitude is stated to be $41^{\circ} 31' 38''$ N., and where it crosses the western boundary line of the State of Ohio, to be $41^{\circ} 32' 47''$ N., while the southern extreme of Lake Michigan is said to be, by observation also, in latitude $41^{\circ} 38' 58''$ N. It is obvious that these cannot all be correct. If the southern extreme of Lake Michigan be in latitude $41^{\circ} 38' 58''$ N., then a due east line would intersect the margin of Lake Erie $7^{\circ} 20''$, or about *seven* miles north of where it does by the survey, and would include nearly all the Miami Bay.

When by the said ordinance of 1787, the east and west line from the southerly extreme of Lake Michigan was designated as the future boundary between the southern and northern States, to be formed out of the Territory northwest of the Ohio, the whole country about the southern waters of Lake Michigan was possessed by the Indians, and respecting which the whites had little or no correct information. From the time

the State of Ohio was admitted into the Union, down to the admission of the State of Illinois, it is believed, no accurate survey of that part of the country had been made ; nor has any yet been made ; nor have the observations, with a view to fix the northern boundary of the States of Ohio, Indiana, and Illinois been taken, from the best information the committee can obtain, with sufficient certainty. It should be remarked, however, that, when Ohio was admitted into the Union, it seems to have been supposed that the existing maps of that part of the country might be, and probably were, erroneous ; as, by many of them, the southerly extreme of Lake Michigan was nearly in the latitude of Detroit.

It is obviously just that the three States here spoken of, and the two hereafter to be formed north of them, should enjoy, as near as may be, equal advantages in their connexion and communication with the Lakes Michigan and Erie ; and it seems not unreasonable to suppose that the framers of the ordinance of 1787 intended that these States should so corner upon one or the other of the lakes, as to equally benefit all of them. Your committee, however, do not mean to express any opinion, whether Congress can or cannot vary the boundaries of these States from those prescribed by the ordinance of 1787, or whether their present northern boundaries be right or wrong.

That these boundary lines should be definitively and speedily settled, is clearly of deep and vital interest to all the parties concerned. The collision now is between individual States and a Territory of the United States. No difference or difficulty of this sort should be left to be settled by the conflicting interests and opinions of separate States. The boundaries of new States ought to be clearly prescribed by law, and accurately marked by permanent monuments, before their admission into the Union.

Your committee recommend to the House that the following facts, among others, be ascertained, before any definitive legislation be had upon the subject : *namely*, The latitude of the southerly extreme of Lake Michigan, and where the same parallel of latitude crosses the Miami River, and also where it intersects the shore of Lake Erie ; the latitude of the south point of North Cape in Miami bay ; and the latitude $42^{\circ} 30' N.$ where it intersects the western shore of Lake Michigan, and the eastern shore of the Mississippi river.

It is also proposed that the intermediate lines between certain points shall be traced and marked ; and that these lines shall be run without the aid of the compass ; because it is nearly or quite impracticable to mark a strait line for any considerable distance with that instrument.

And, as science and skill alone will not do, without the aid of the best instruments, it is proposed to authorise the President of the United States to employ two or more of the Topographical Engineers to perform the work. The States interested in this matter will authorise agents to accompany the United States' Engineers, if they deem it proper ; but such agents are to have no control over the proceedings of the Engineers.

In conformity with these views, the committee submit a bill.