

# THE JERSEY CLAIM LINE

## *Its Relation to Sullivan County*



This story of the Jersey Claim Line is the first of a series of articles prepared by the County Historian and distributed to the schools of Sullivan County for the purpose of creating a greater interest in our rich local history.

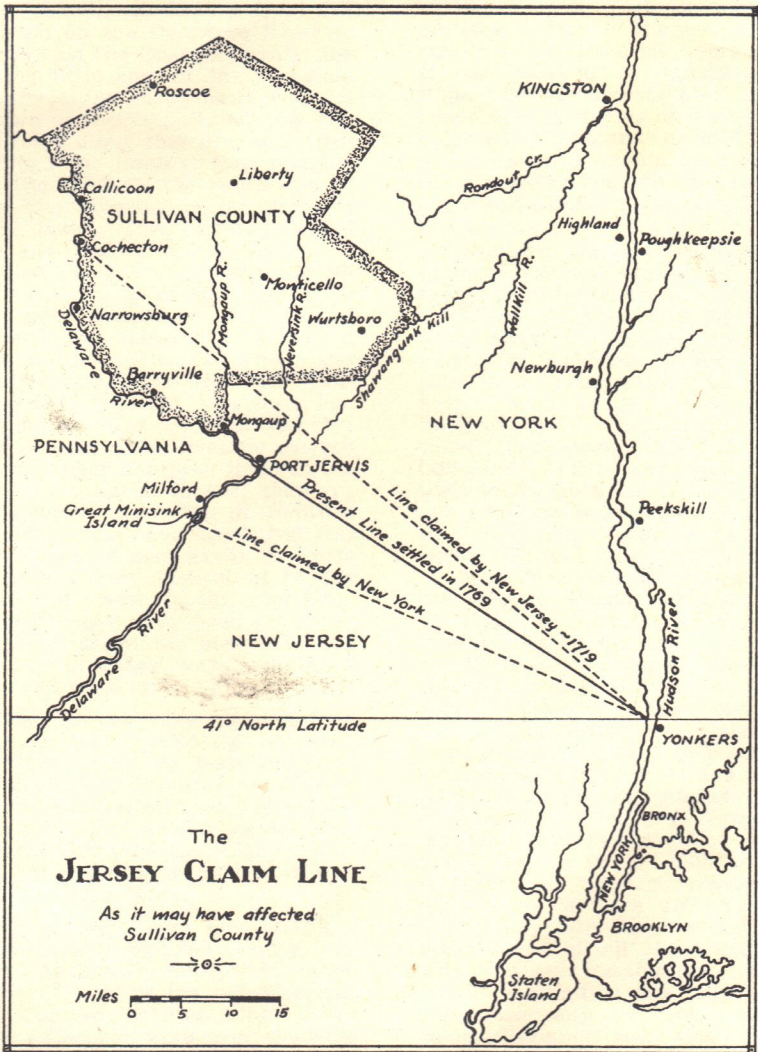


Compiled by  
James W. Burbank, County Historian  
Sullivan County, N. Y.

Edited by Christian J. Wefer

First Printing, February, 1951  
Second Printing, November, 1952

Printed by  
The Delaware Publications  
Narrowsburg, N. Y.  
1952



## THE JERSEY CLAIM LINE



Draw a straight line through a map of Sullivan County from Cochection on the Delaware River to a point on the Orange County line just a little east of the Mongaup River. If the map shows what is known as the "Pipe Line" just run your eye along that line as it runs through the County. Now imagine all the land to the southwest of this line as being in the State of New Jersey. That partition would cut off from Sullivan County a part of the Town of Cochection, all of Tusten, most of Highland, most of Lumberland, and a small part of Forestburg. When you think of how much both the Delaware and Hudson Canal and the Erie Railroad contributed to the growth and development of Sullivan County; and to the great wealth derived from lumber and blue stone in the above mentioned Towns; then try to imagine how we in Sullivan County would have fared if all this large piece of land was in the State of New Jersey instead of in the State of New York. Certainly things would have been different. It would affect the history of our County in many ways, too numerous to mention.

Well, at one time all that land was, in fact, considered as being in New Jersey. At least the Government and Proprietors of New Jersey claimed all that part of the territory now known as Sullivan County and a lot more land, totalling approximately half a million acres of New York.

The Jersey Claim Line is still a land-mark in Sullivan County. Natural gas lines recently laid in the right of way of the old Standard Oil Company's "Pipe Line" make it a wide open path over the hills and through the woods of our fair County. It is marked, where it crosses roads, by large iron posts painted aluminum with orange tops. The line is clearly visible to anyone who is sufficiently interested to investigate, and that line,

for the most part, was established by the Duke of York, erroneously perhaps, in June of the year 1664—nearly three hundred years ago. It was marked by hundreds of stone pile monuments and blazed trees; run by dozens of surveyors; recorded in thousands of deeds and maps; and will remain for time to come a living reminder of a very important phase of Sullivan County's history.

The third place, or section, in Sullivan County known to have been settled by white men was the Cushetunk Settlement on the Delaware River. It extended from the mouth of Callicoon Creek to a point near Lackawaxen. The white people who settled here were Yankees from Connecticut who called themselves "The Delaware Company" and who purchased their lands from the Lenape Indians who inhabited the region at that time. The Indian deeds were dated 1754 and 1755. Though most of these Yankees took up lands on the west or Pennsylvania side of the Delaware, some of them made their homes on the east side right in the section claimed by New Jersey and at that time being vehemently disputed. These pioneers who settled along the Delaware were being continually molested by constables, tax collectors and other public officials representing the Provinces of New York, New Jersey and Pennsylvania. For many years they were in doubt as to whether they were governable by one or any of those three provinces. At any rate, they treated representatives of all three colonies with marked indifference, acting on the assumption that they owed allegiance only to their mother colony, Connecticut. Connecticut had sanctioned the Delaware Purchase and they claimed their lands under Connecticut Titles. It was difficult enough to hold their lands against the savage Indians without having to worry about taxes, constables and what-not.

To the south, in the Minisink region, in neighboring Orange County, warfare actually existed between certain families of settlers who fought each other for the right to live on the land for which they had paid. Some had obtained titles to their lands under New York. Others had purchased the same lands from the Proprietors of New Jersey. There was a great deal at stake because the alluvial lands bordering the Neversink and Delaware Rivers in the Minisink (Port Jervis) region were very rich and fertile. Two companies of settlers, one headed by the Swartwouts and the other by the Westfalls, found their holdings in the disputed territory. These families and their followers took sides; the Swartwouts for New York, the Westfalls for New Jersey, and for a period of nearly forty years these factions committed acts of aggression against each other so severe and serious in nature that they had to turn their homesteads into arsenals and keep armed men on guard day and night. The date of peace between the Swartwouts and Westfalls is not certain, but it is a matter of record that the "Line War" was continuing as late as 1756.

Of the dozen or more accounts this writer has studied concerning the conflicting claims and counter claims, and reasons for eventual settlement of the New York - New Jersey line war, the account written by Irving Righter, Port Jervis City Engineer, in 1922, is the most understandable of all. Mr. Righter delivered his paper to the Minisink Valley Historical Society on the occasion of that Society's Annual Dinner, on Washington's Birthday, February 22, 1922. Although the paper is not given here in its entirety, the following quoted paragraphs present the story clearly:

"In the olden days while yet the Indian thrived in this region, and the rule of overseas still held, there was much concern and controversy all hereabouts, in a wide section east and west, and up and down this valley (Delaware Valley) over the uncertain boundary line between the Province of New

York and that of New Jersey. The inhabitants did not know in which province they were living, titles to real estate were involved in uncertainty, resulting in constant fights along the border, and the laws were defied, not only by the refusal of many to pay taxes, but also by evil doers who haunted the border lands and were somewhat immune from prosecution because of the disputed jurisdiction.

The state of affairs did not worry the Indians in the least, but it was a source of annoyance, loss and danger to the whites; a living question that should be settled, but, in those pioneer days of sparsely settled communities and slow communications with England, it took a lifetime to do it, and thereby hangs a tale, the telling of which will be without undue prejudice but not unfavorable to the New York side of the matter."

(Being favorable to the New York side, the outcome of the controversy had great bearing on the size and shape of Sullivan County, which was formed many years later. It also affected the development of Sullivan County because large portions of the Delaware and Hudson Canal and of the Erie Railroad were later constructed in the disputed area.)

#### "The Old Jersey Line"

"It was in June of 1664 that the Duke of York granted Lord Berkeley and Sir George Carteret that part of the American Tract received from his brother, Charles II, which comprises the State of New Jersey. This tract was described as bounded on the east by the Main Sea and the Hudson River, 'and hath upon the west Delaware Bay or River, and extendeth southward to the Main Ocean as far as Cape May, and to the northward as far as the northernmost branch of the said Bay or River Delaware which is in forty-one degrees, forty minutes of latitude, and crosseth over thence in a straight line to Hudson's River in forty-one degrees of latitude, which said tract is to be called by the name or names of Nova Caeserea, or New Jersey'.

The boundaries given were all natural features except the northern boundary which separates New Jersey from New York. It was not until twenty years later, after the division into East and West Jersey had been made, and the first settlements begun, that there was a demand for the establishing of this northern boundary line, for the Proprietors of East and West Jersey and the Patentees of adjoining lands in New York could not agree as to the extent of their rights. It appears to have been in 1686 that the matter of running this line was first taken up, three surveyors being appointed by the Governor of New York and the Governors of East and West Jersey to mark the line.

#### The Eastern End of the Line

Differences of opinion had arisen in regard to the northern boundary, the east and west ends of that line being subjects of dispute soon after the first settlements were made. The easterly end appears to have been first fixed at the mouth of Tappan Creek, although there were others who claimed it should be put at a point opposite Spuyten Duyvil Creek, and such was the uncertainty in the minds of many as to the meaning of the words in the description of the westerly end of the New York - New Jersey line, that half a dozen points along the Delaware River were proposed for that terminus.

Thus began a dispute over this northern boundary line lasting eighty years, a dispute which early resolved itself into a definite claim by New Jersey that a line should run direct from the Hudson River in latitude forty-one, to Cashiegtong, or Cochection on the Delaware, in latitude forty-one degrees and forty minutes; and on the part of New York, that the line should run direct from the Hudson to the south end of Great Minisink Island, which is about four miles below Milford, as the western terminus of the boundary.

The trouble over the boundary arose from the fact that the Duke of York had laid down conditions

in the description of New Jersey which could not be satisfied. The requirement that the bounds of New Jersey should extend along the Delaware River to the northward as far as the northernmost branch of said river which is in latitude forty-one degrees, forty minutes, was impossible, as no branch was found in that latitude. The question then arose as to what branch was intended.

It is considered certain that the Duke of York availed himself of the best existing maps of the country in making out the bounds of New Jersey. It is conceded that the map published by Nicholas John Vischer was the one most likely to have been used by the Duke in the matter. This map shows a branch of the Delaware, corresponding to the Mackhackemack or Neversink River, apparently in the required latitude, but the map was found later to be in error, as the latitude, at the mouth of the Neversink is forty-one degrees and twenty-two minutes. This error of eighteen minutes of a degree, amounting to as many miles on the ground, was the cause of all the trouble over the line.

#### Surveyed in 1686

The surveyors appointed in 1686 are said to have gone on up the river looking for some branch in the required latitude, but none was found. They are then said to have fixed a point on the Delaware, (Station Point or Station Rock) in the required latitude, at Cochection. But some trouble seems to have arisen and the line through to the Hudson was not run and nothing further came of the matter until 1718, when acts were passed by each of the Provinces to run and determine the line. The country had become more settled by this time and there were constant disputes between those who held titles for the same lands, for the New York Patentees and the New Jersey Proprietors did not hesitate to give conflicting deeds for the same premises in the disputed territory and leave the grantees to fight it out or buy each other off.

Meanwhile, Her Majesty, Queen Ann, under the Great Seal of the Province of New York bearing date of August 28, 1704, had granted to Matthew Lyng and others the great tract of land known as the Minisink Patent lying and being in Orange and Ulster counties. This tract began at what is now Wurtsboro and ran west by north until it met the Fishkill or Main Branch of the Delaware River, thence southerly to the south end of Great Minisink Island, thence due south, etc., etc., to the place of beginning. There were exceptions, however, in this grant. One being the Schuyler Patent previously granted to Arent Schuyler for one thousand acres in and near this city, (Port Jervis) and the Peenpack Patent in the Neversink Valley, granted to Jamison, Cuddeback, Swartwout, Gumaer and others under date of October 14, 1697, containing twelve hundred acres.

The New York adherents in the border dispute who had been trying to maintain an untenable line running as far down the river as Easton, were not slow to take the positive advantage afforded by the Minisink Grant which fixed the line of New York at the lower end of Big Minisink Island, eighteen miles below the point claimed by New Jersey. They abandoned the somewhat shady claim to the latitude of Easton and accepted the line at Minisink Island. But some of the historians of this affair refer to the matter as Queen Ann's Joke, whereby she turned an honest penny very neatly. Her predecessors had established a rule that all titles to land in America must emanate from the Crown. They say that as the Queen needed some money, she took advantage of an offer she had for the tract embracing the Minisink Patent and sold the same, regardless of the fact that most of that part of the Patent which extends down into what is now New Jersey had previously been granted to other parties, and, when the line between the two provinces was finally established, the new owners were 'out in the cold'.

### Order to Find Line

In 1718 Robert Hunter, Governor of both provinces, appointed Commissioners to determine the Northern Boundary Line. The surveyors were instructed to determine which stream was the 'northernmost branch of the Delaware' and, when they had discovered such branch 'to find the place on such branch which was in latitude forty-one degrees, forty minutes, which is the north partition point of New York and New Jersey.' Much stress is laid on these directions by the adherents of New Jersey as they claim that the exact latitude should be followed regardless of the probabilities of the case which were that the Neversink was the branch intended, and that the latitude was not a necessary part of the description but was given as the best opinion or conjecture as to the latitude wherein that branch lay. It is impossible to believe that the Duke of York would have chosen an odd latitude, such as 41 degrees 40 minutes as the dividing point had he not thought it to be the latitude of some natural feature that could not be mistaken. The instructions were followed, the surveyors finding the Fishkill, which was the name given to the Delaware above this place (Port Jervis) "to be the northernmost branch of the Delaware, and the point in the required latitude was found to be on the east side of the river at Cohecton." (It was then called Cashiehtunk by the Indian inhabitants of the region.) "The line was run through to the Hudson (1719) but it is said to have struck a little above the point previously determined as in latitude forty-one degrees, and this caused trouble among the New York claimants of land involved in the matter. It is said the report of this survey was not signed by the New York Commissioners or Surveyors.

Allan Jarrett, the famous surveyor who represented New York in the matter, was interviewed and said that the observations had been taken with a defective instrument, and he made other objections to the whole affair which upset all

the proceedings, and no further progress was made toward settling the line until 1764.

### Jersey Claim Line

The line run in 1719 became known as the Jersey Claim Line. It left the Hudson on a course running eight degrees to the north of the present State Line, striking through Tuxedo Park and north of Warwick to a point a mile south of Guymard. It crossed the Caskey farm above Huguenot and also crossed the Peenpack Patent at that place, and followed the Pipe Line just south of the Hartwood Club and a mile below Lebanon Lake to Cochection on the Delaware. Throughout this section it ran so closely to the line dividing the First and Seventh Division of the Minisink Patent that that division line was called the Jersey Claim Line.

This is the line claimed by New Jersey for fifty years and volumes might be written about the various disputes and controversies over this boundary question, and the raids and reprisals by property owners and public officials of the Counties concerned in the matter, until the Government was compelled to act and settle the question forever.

In 1764 the boundary question was referred to the King of England and a Commission of notable men, prominent officials, surveyors and lawyers was appointed to settle and decide the matter.

### Finally Settled

The meetings began in New York in June, 1769, (five years later) and a decision was rendered October 17, 1769, establishing the northern partition point at the junction of the Mackhackemack or Neversink River, the line to run straight from there to a rock on the west bank of the Hudson River in latitude forty-one degrees. Part of the decision is as follows:

"We further find among the exhibits a map by Nicholas John Vischer published not long before the aforesaid grant from the Duke of York, which we have reason to

believe was esteemed the most correct map of that country at the time of the grant, on which map is laid down a fork or branching of the River then called Zuydt River, or South River, now Delaware River, in latitude forty-one degrees forty minutes; which branch called Mackackemack we cannot doubt was the Branch in the Deed from the Duke of York, called the northernmost Branch of the said river and which in the deed is said to lie in latitude forty-one degrees, forty minutes."

The fact that there was an error in the latitude of about one-third of a degree on the map was brushed aside as of no material importance as there were no exact maps at that time. The line was run through to the Hudson on the present location, the settlement was confirmed by the Court of St. James, and acts were passed confirming the titles of those who had purchased lands from New Jersey Proprietors which were north of the established line, and likewise in the case of those holding property south of the line by virtue of titles derived under the Government of New York, with certain limitations in regard to exceptional cases which were left to the courts to determine.

We may well believe that one of the reasons for the decision against the Jersey Claim Line was the fact that to allow that line to stand would have left the boundary in a very awkward shape at the westerly end thereof. Let us imagine a strip of New Jersey seven miles wide here, (Port Jervis) nine at Lackawaxen and running to a point at Cochection on the Delaware, and we have a fair idea of how awkward and undesirable such an arrangement would be.

We know of no parallel instance where so large a territory was in dispute for so long a time, and, in this "No Man's Land" it behoved the early settlers to be discreet, and, while holding their own lands against neighbors who claimed them, to keep out of the quarrels between conflicting public officials who sought to enforce



the various laws of each Province over them and to get all the taxes they could. To accept office from either side was to bring down opposition from the other side. So, for a long time, the inhabitants tried to sidestep these constant disputes by the claim that they were Dutchmen.

Yes, Dutchmen they would be! They prefixed Van to their names and became Van Fleets, Van Eetens, Van Kuykendalls, Van Inwegens, Van Cleffs, Van Kampens, etc. They spoke Dutch and wrote Dutch, had their preachers preach in Dutch, and they swore in Dutch, and when they died they had the inscriptions on their tombstones made in Dutch. But all in vain! New Jersey sent up State Officials from Burlington who could talk Dutch and read it, too, and they read the inscriptions on the tombstones and talked Dutch to the settlers to beat the band; and the same may be said of the New York Officials who came over the mountains to Minisink and talked Dutch just as easily."

#### **Effect on the Present**

The students of local history in Sullivan County should consider the "Jersey Claim Line" and its attending controversies as major factors in the growth and development of our County.

Consider, for instance, the route of the Erie Railroad. Whether its tracks should be laid through the center of the County, serving Monticello and Liberty, or whether they should be laid along the Delaware River route was a matter

of debate in the New York State Legislature for many years. The road was subsidized in large part by the taxpayers of New York. It was backed by influential New York business interests. In the debates, representatives from the Southern Tier Counties argued for the river route and eventually won over the proponents of the "Center County" route. It is hard to believe that there would have been any argument at all for a railroad which would serve so great a portion of another state to the exclusion of the State supplying the capital. Consider, then, the great difference in our history had the State boundary remained in the location New Jersey claimed for it.

On the Map of Sullivan County made by David H. Burr, and published in 1839, there were three sawmills in Cochection on the Jersey side of the Claim Line, 25 in the Town of Tusten, 22 in Highland and 7 in Lumberland. The total was fifty-seven sawmills then located on the Jersey side of the line at a time when the lumber industry was reaping its greatest harvest. The resultant wealth of that industry was a gain for Sullivan County. Suppose it had gone to some county in New Jersey?

There are, without doubt, hundreds of other conditions which would have made differences in our history if the Boundary Commissioners of 1764-1769 had decided that New Jersey's claim was just. The subject of the "Jersey Claim Line" as it affected Sullivan County is an absorbing story worthy of careful study.

The End.



Tom Rue &lt;tomrue@gmail.com&gt;

---

## The Jersey Claim Line

---

Debra Conway <debrarconway@hotmail.com>  
To: "tomrue@gmail.com" <tomrue@gmail.com>

Wed, Nov 26, 2014 at 3:30 PM

Hi, Tom,

Thanks for offering to add this to your digitized library. It is a great service.

Attached, hopefully, you will find the short pamphlet on The Jersey Claim Line written in 1952 by then Sullivan County Historian James W. Burbank. (I heard at the Upper Delaware Council meeting last night that the Town of Cochection just replaced the damaged historical marker, so it reminded me I owe you this.)

In addition to my being techno-challenged, our power is cutting in and out due to the storm. So I am not sure everything is here and in order. (Do not be confused, though, by the difference between my numbers and the page numbers as shown on the pamphlet. I did not scan blank pages, so the numbers do not sync up.)

Let me know if something is missing or illegible. It may take me awhile to get back to you, but I promise I will.

Hope you and Carmen and family have a very Happy Thanksgiving.

**Best regards,  
Debra Conway**

*"If there are no dogs in heaven, when I die I want to go where they go." ~ Will Rogers*

---

9 attachments



**JerseyClaimLine9 001.jpg**  
567K



**JerseyClaimLine8 001.jpg**  
658K



**JerseyClaimLine7 001.jpg**  
687K



**JerseyClaimLine6 001.jpg**  
649K



**JerseyClaimLine5 001.jpg**  
669K



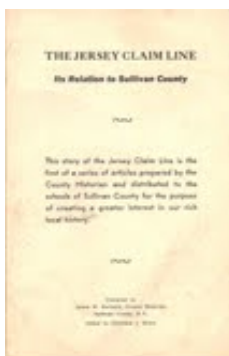
**JerseyClaimLine4 001.jpg**  
648K



**JerseyClaimLine3 001.jpg**  
356K



**JerseyClaimLine2 001.jpg**  
266K



**JerseyClaimLine1 001.jpg**  
411K