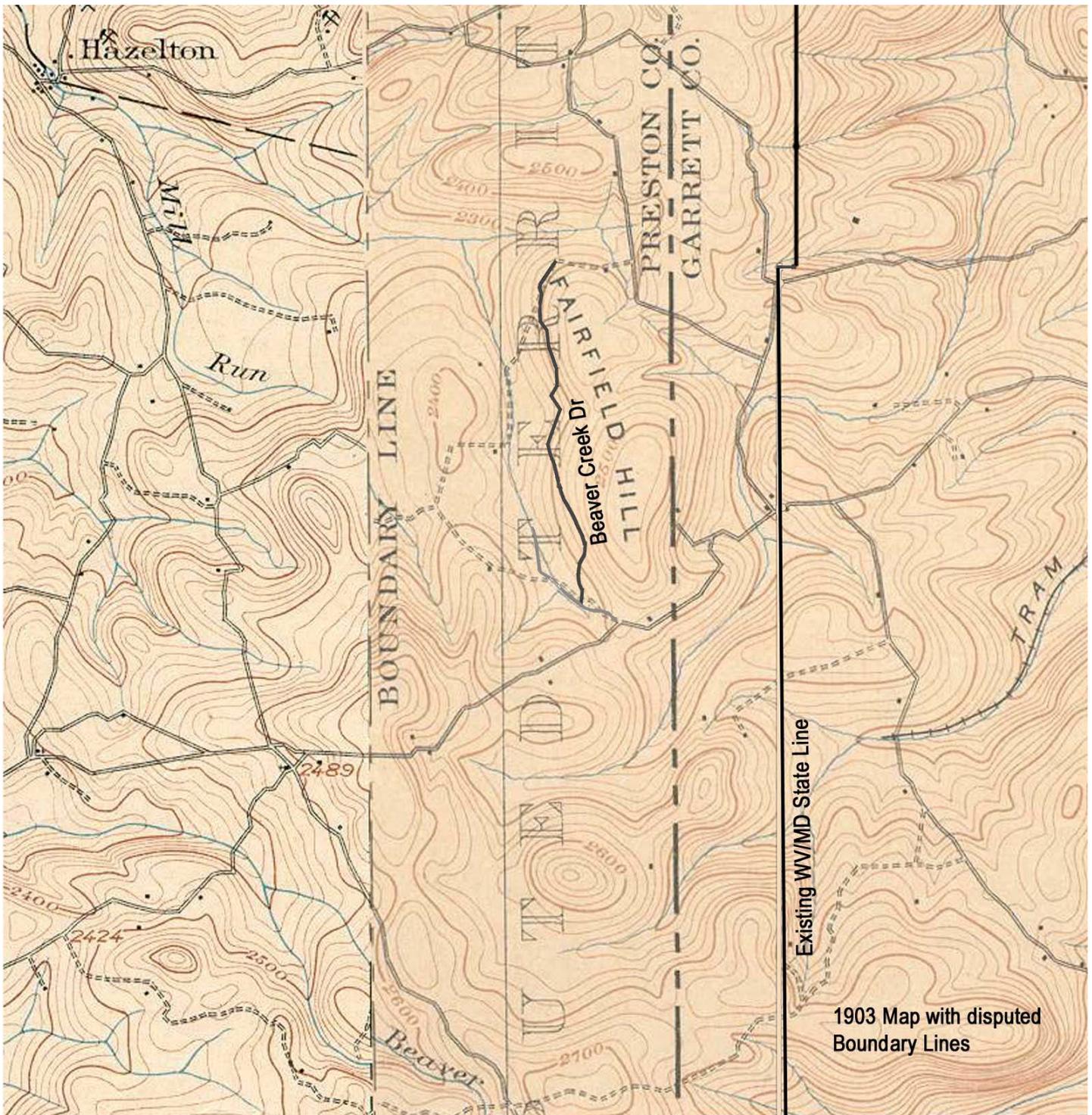


Did you know Beaver Creek used to be in MD? See the map below which shows the development in disputed territory between WV & MD. The dispute did not get resolved until 1910 when we were then declared to be in WV.



The next page explains what happened to the border.

# WV-MD Border Dispute

## HISTORY OF THE DEAKINS LINE

The western boundary of Maryland, also known as the "Deakins Line", is a north-south line that intersects Mason and Dixon's West Line to form the northwest corner of Maryland. Although surveyed several times, the line's exact would not be settled until 1910.

The 1632 grant from Charles I to the first Lord Baltimore defined the western boundary of Maryland as a meridian (true north-south line) at the source of the Potomac River. The north end of the meridian was to be the point where it intersected the 40th Parallel (later, the Mason-Dixon Line at about N39-43-15), and the south end was to be at the south bank of the river. In 1736-37, a survey party led by John Savage found what they believed to be the source of the Potomac at the head of a tributary of the North Branch of that river. Later surveys would show that this determination was incorrect: the origin of a different tributary of the North Branch was located about 1.25 miles farther west, and the South Branch of the Potomac extended farther southwest even still. In 1746, the governor of the Virginia Colony and Lord Fairfax commissioned a survey of the Fairfax Grant (what is now northern Virginia). The survey party included Colonel Peter Jefferson (father of Thomas) and Robert Brooke of Virginia, and Benjamin Winslow and Thomas Lewis representing Fairfax. They ran a 76-mile line northwestward from the source of the Rapidan to Savage's determination of the source of the Potomac, and marked the latter with a stone known thereafter as the "Fairfax Stone".

Frederick, the sixth Lord Baltimore, had intelligence, provided by residents of western Maryland, that the true source of the Potomac lay far to the southwest of the spot selected by the 1746 survey. He immediately recognized that the 1746 survey's definition of the source of the Potomac would, if it stood as the starting point for Maryland's western boundary, deny Maryland (at least) several hundred square miles of territory. Baltimore instructed Governor Horatio Sharpe to open negotiations with Lord Fairfax regarding a more accurate determination of the point. Recognizing the South Branch as the true source of the river would benefit Fairfax (at the expense of Virginia), and Fairfax indicated that he was amenable to an adjustment. In 1754, Colonel Thomas Cresap, a Marylander, made a preliminary survey of the river and (in retrospect, correctly) identified the source of the Potomac as a spring on the South Branch some 55 miles south-southwest of the Fairfax Stone (near modern Highland, Virginia). Several events intervened to prevent Baltimore and Fairfax from effectively asserting their territorial rights against Virginia, and the Revolutionary War put the boundary issue on the back burner.

In the 1780's Maryland began granting lands along its western boundary to military veterans and other settlers, and to organize its territory into counties. To define the grants, the state assigned one Francis Deakins to run a line from the Fairfax Stone northward to the southern boundary line of Pennsylvania. In 1787-88, Deakins ran and marked the line, but did not take care to ensure that the line was a true meridian. As a result, the "Deakins Line" meandered northward from the Fairfax Stone for about 34 miles and intersected the West Line at about W079-28-36 or 196.47 miles west of the northeast corner of Maryland as determined by Mason and Dixon.

Over the next 65 years, Maryland and Virginia formed several boundary commissions in an attempt to settle the matter of Maryland's western boundary (which did not conform to its original definition as a "meridian"). In 1859, the two states engaged Lt. N. Michler of the US Corps of Topographic Engineers (USCTE) to run a true meridian from the Fairfax Stone. Michler did so and marked the meridian's intersection with the West Line with a stone at about W079-29-14 or 197.03 miles west of the northeast corner of Maryland. In his 1860 report to the joint boundary commission, Lt. Michler noted:

The meridian as traced by me last summer differs from all previous lines run; some varying too far to the east, others too far to the west. The oldest one [the "Deakins Line"], and that generally adopted by the inhabitants as the boundary line, passes to the east; and from measurements made to it I found that it was not very correctly run. The surveyor's compass was used for the purpose, and some incorrect variation of the needle allowed.

Virginia declined to ratify the 1859 survey (as it effectively subtracted about nine square miles from Virginia and placed the state's property grants at risk). After the Civil War, Maryland attempted to resolve the issue, now with the new state of West Virginia, through several boundary commissions.

In 1885, Cephas Sinclair of the US Coast and Geodetic Survey conducted a re-survey of the western portion of Pennsylvania's southern boundary line. He determined that the "junction with Maryland" was three-quarters of a mile east of Michler's intersection point, and marked the point with a stone. It lies about 0.20 miles east of the intersection established by Deakins (as re-created by the survey of 1910, discussed below). Apparently, Sinclair selected a conveniently-located Mason-Dixon mound (probably their Mile 196 marker) and set the stone in it; Mason and Dixon's Journal is silent regarding the location of the northwest corner of Maryland.

The two states could not agree on the exact location of the line, and, in 1891, Maryland brought suit in Federal court to compel recognition of the 1859 line. To bolster its claim, Maryland, in 1896, engaged two surveyors, W. McCulloh Brown and D. L. Bauer, to mark the true source of the North Branch and to run a new boundary line. The surveyors erected the "Potomac Stone" on a different tributary of the North Branch, about 9,000 feet northwest of the Fairfax Stone, and ran a meridian to the West Line in 1897 - 1898. The Brown-Bauer meridian line intersected the West Line about 6,000 feet west of Michler's intersection point. Interestingly, in their report to the Maryland legislature, Brown and Bauer noted that Julius K. Monroe had also run a line from the Potomac Stone. Monroe's line intersected the West Line east of Brown and Bauer's but west of Michler's. Apparently, Mr. Monroe intended to replicate Deakins' inexact methodology but from the more westerly initial point.

In 1910, the Supreme Court ruled against Maryland's assertion that its true boundary line ran along either the 1859 Michler line or the 1897 - 1898 Brown-Bauer Line. The Court noted that Maryland had used the 1787-88 Deakins Line to define the boundaries of Garrett County and numerous land grants, and that the residents on both side of the line relied on the Deakins Line, and on none of the later lines. The Court declared the Deakins Line as the true boundary between Garrett County, Maryland, and Preston County, West Virginia, and engaged three surveyors to re-run and re-mark the line.

On May 27, 1912, two of the surveyors, Julius Monroe and Samuel Gannett, submitted their report of survey to the Court. The report contains a detailed description of the line and of the 34 major (and numerous minor) monuments that they set to mark it. The third surveyor, W. McCulloh Brown, did not concur with the line as run by the other two men and submitted his own report of exceptions. Today, Monroe and Gannett's re-casting of the Deakins Line runs north from the south bank of the North Branch of the Potomac River (the Fairfax Stone is located about 0.77 miles due south of the start of the line) for about 35.5 miles to the West Line. Along the way, it makes at least four offsets of several hundred yards each (one to the west and three to the east) as the surveyors "fit" the original Deakins Line to established property holdings. At the north end of the line, the intersection with the West Line is marked with a concrete monument at approximately N39-43-16 W079-28-35.9. This intersection point is about 0.55 miles east of Michler's intersection point, and about 0.20 miles west of Sinclair's determination of the "junction of Maryland." The Fairfax Stone (or, a stone believed to be the original) survives and serves as tri-county boundary intersection point for Preston, Tucker and Grant Counties, West Virginia.