



Boundary Stones

AMERICAN SOCIETY OF CIVIL ENGINEERS

NATIONAL CAPITAL SECTION

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SEP 18 1979

Senator Charles M. Mathias
United States Senate
Washington, D.C. 20510

Dear Senator Mathias:

The Nation's Capital is truly a city that is unique to the history and heritage of our nation. It was established in 1789 as the Seat of Government and actually marked on the ground in 1792 by the placement of sandstone monuments.

The area so marked formed a ten mile square parcel of land which was ceded to the United States by the State of Maryland and the Commonwealth of Virginia. Subsequently that portion ceded by Virginia was returned, but not before the stone markers had been placed. There were 40 stones installed and most of these still remain today.

Although they no longer serve as critical survey points, they do however serve as physical reminders of a significant part of our Nation's history and heritage. They remind us too of the work done by Benjamin Banneker and Andrew Ellicott in placing them. These stones should be protected and preserved for this and future generations, we believe.


The National Capital Section, after having worked with the staff of the National Capital Planning Commission and the Daughters of the American Revolution is of the opinion that the initiation of appropriate legislative action in the Congress could substantially enhance the establishment of a program of protection and preservation. With respect to this we have prepared and are enclosing A Prospectus For Preserving the Boundary Stone Markers of the District of Columbia.

This prospectus sets forth, in greater detail, background and support for legislation. There is also enclosed, as an attachment to the prospectus, draft legislation which would define an overall legal and formal responsibility for the stones as well as for the development of a program. The introduction

of an appropriate bill would significantly aid in assuring the preservation and protection of these historical markers.

While you may note that the prospectus has been prepared by our Committee on History and Heritage, it has also been unanimously approved by our Board of Directors on September 11, 1979. We appreciate, therefore, the opportunity of furnishing you with this prospectus and for any support which you may find appropriate respecting this legislative need.

Sincerely,



WALLACE J. COHEN
President

Enclosure

A PROSPECTUS FOR PRESERVING
the
BOUNDARY STONE MARKERS
of the
DISTRICT OF COLUMBIA

August 1979

Committee on History and Heritage
National Capital Section
American Society of Civil Engineers

W. Campbell Graeub, Chairman
Ralph B. Sheaffer, Vice Chairman

The American Society of Civil Engineers was founded in 1852 for the purpose of advancing the science and profession of engineering. Membership today is approximately 75,000 civil engineers and 2,800 of the membership are in the National Capital Section.

Under the organizational structure of the Section there is a Committee on History and Heritage, created to identify, recognize and further the preservation of historical civil engineering landmarks. Among the features of noteworthy consideration in the Washington Metropolitan Area are the boundary stone markers placed in 1792 to locate the original site of the District of Columbia, or Federal territory as it was then known.

This prospectus is therefore directed toward a legislative need to assure the protection, preservation and restoration of these boundary markers.

The territory of the District of Columbia was ceded to the Federal Government in 1789 by the State of Maryland and by the Commonwealth of Virginia for the purpose of establishing a permanent "SEAT OF GOVERNMENT". Today of course only the part ceded by the State of Maryland remains as the District of Columbia. That part of Virginia, now known as Arlington County and a portion of the City of Alexandria, was retroceded in 1846 as excess to the needs of the Nation's Capital.

Irrespective of current boundary lines, however, the Nation's Capital is unique to the United States of America. It contains features of both local and world significance which may be categorized as landmarks. In fact many elements have already been designated landmarks by the Joint Committee on Landmarks of the Nation's Capital a joint body of the National Capital Planning Commission and the Commission of Fine Arts.

The landmark designations are classified into the following three groupings:

CATEGORY I designates those of great importance which contribute significantly to the National cultural heritage or to that of the District of Columbia and its environs, which must be preserved.

CATEGORY II designates those of less importance but nevertheless should be preserved or restored, if possible.

CATEGORY III are those designated for preservation or restoration, if practicable.

The stone markers that we focus attention on are classified under Category II. They are of sandstone cut from a quarry near Acquia Creek, Virginia and close to the home of President George Washington. Placing of the stones

was accomplished by the joint work of Andrew Ellicott and Benjamin Banneker, a free black man. It may be interesting to note that many of the instruments used in the survey are now included in collections of the Smithsonian Institution's Museum of History and Technology.

Ellicott recruited Banneker to make necessary astronomical observations and calculations. Unfortunately ill health limited his participation to only the first of a two year task. Their work resulted in the placing of 40 markers encompassing a 100 square mile Federal territory. On the Maryland-District line they placed 26 stones and 14 stones were placed on the west side of the Potomac River to mark the Virginia-District line. Today not all of the stones remain but we believe that at least 36 of the original 40 stones are still in place.

The most current written reference on the status of the stones is contained in a 1976 publication by the National Capital Planning Commission. This booklet is entitled Boundary Markers of the Nation's Capital and a copy is included as an attachment to this prospectus.

Recognizing the significance of the stones, together with a need to protect and preserve them is not, however, a recent revelation. For example, in 1916 Fred E. Woodward prepared a map with notes describing the location and condition for each stone. A print of his map is also

attached. It may be observed that the notes show several sad states of existence even then. The most noteworthy interest, however, is that shown by the Daughters of the American Revolution.

In 1914, the DAR launched a program to protect the markers from further demise. Various Chapters were assigned responsibility for the care and protection of the stones. This included the erection of an iron fence enclosure together with a responsibility for maintaining the fences and grounds within each enclosure. Appropriate dedication ceremonies were held to initiate the program and this is depicted in the boundary markers publication previously referenced. The interest of the DAR in the preservation of the stones remains strong and active today.

What remains of the stones would no doubt be much less today had it not been for the interest of Mr. Woodward and the fine program of the DAR. However, the DAR efforts alone have been no match against destructive forces such as vandalism, natural weathering, accidents and the impact of surrounding land development. The most important factor that we need recognize now is the total lack of overall legal and formal responsibility for their protection, preservation and restoration.

How a legal clarity might be accomplished was an

objective of the National Capital Section's Bicentennial Committee. On the initiative of that committee, a meeting was arranged with the Executive Director of the National Capital Planning Commission and the Assistant Director for its Regional Affairs. The issue was presented on an informal basis and with the subsequent support of the DAR the Planning Commission published the previously cited booklet *Boundary Markers of the Nation's Capital*.

It contains numerous photographs, location sketches, brief history and descriptions of the condition of each remaining stone. It further contains 10 recommendations for their preservation and protection. The substance of these recommendations in a very abridged form, is as follows:

1. All stones should be in U. S. Government ownership.
2. They should all be placed on the National Register of Historic Places.
3. An appropriate agency should be given specific responsibility for them.
4. A "small" park should be created at each of the four cornerstone markers.
5. A "Boundary Stone Museum" should be created, preferably at the Jones Point Lighthouse where the first marker is located.
6. All markers that have been moved should be replaced on their original location, if practicable.
7. One of the stones should be acquired by the

Smithsonian Institution.

8. Missing, decayed or broken stones should be replaced with duplicates. Fragments of originals should be catalogued and placed in the Boundary Stone Museum at Jones Point.
9. All stones should be given a protective coating.
10. The DAR's role in stewardship should be continued.

We support these recommendations and further support the passage of such appropriate legislation by the Congress as will be necessary to effect these recommendations. The legislative effort is therefore our principal focus of interest. A draft bill prepared at the staff level of the National Capital Planning Commission, with active participation from the National Capital Section ASCE and the Daughters of the American Revolution, now merits consideration by the Congress, we believe. A copy of this also accompanies this prospectus.

Substantially, the bill provides for an assignment of responsibility to the Department of the Interior and requires the Department to prepare a seven element program. Very briefly, these elements are for:

1. Development of cornerstone parks.
2. Determining the extent and nature of acquiring land or interests therein.
3. Preparing a relocation plan for certain of the

- boundary stones or for the placing of an appropriate marker at the site of the original stone.
4. Surveying for the exact location of the existing stones and referencing them to the appropriate State Plane Grid Coordinate System.
 5. Transferring a stone to the Smithsonian Institution and replacing it with an exact replica.
 6. Preparing a plan of alternatives for long term care, protection, and maintenance of the boundary stones.
 7. Developing a schedule and financial plan for carrying out the program.

In addition to these elements the bill provides for criminal penalties of a fine not more than \$500, or imprisonment not more than six months, or both for the willful injury or removal of a boundary stone. The last section of the bill carries an authorization for appropriated funds to fulfill the provisions of the bill.

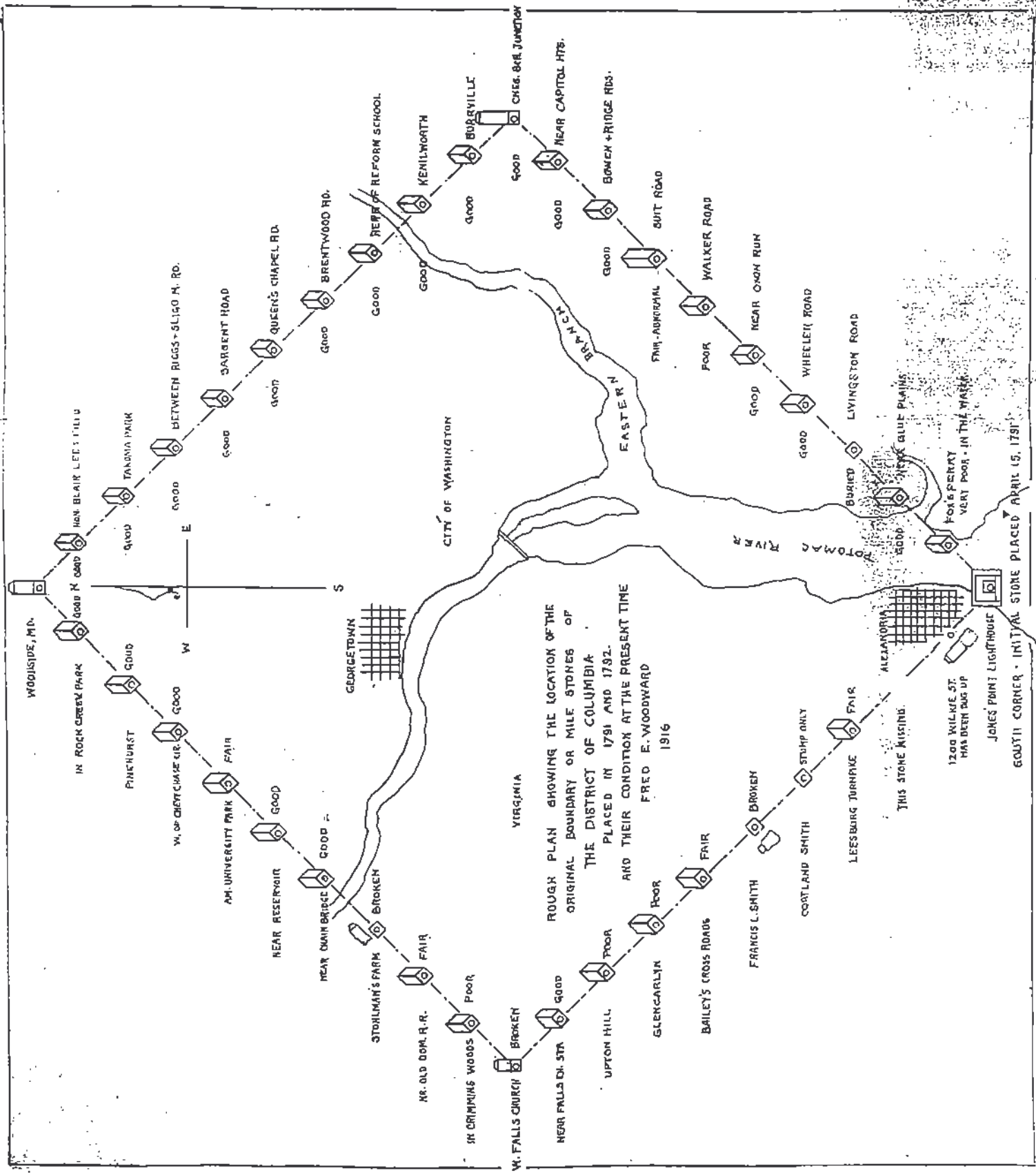
We believe that approximately \$40,000 would fund initial development of the seven element program as previously listed. The additional capital cost and annual maintenance, including operating expense estimates would be made known as a result of the schedule and financial plan to be developed for the program. We think, however, that the additional capital cost might be in the range of \$200,000 with an expense for maintenance and operation somewhere in

the neighborhood of \$20,000 or less annually.

In view of the status previously described, it can be concluded that without legislation of the nature we have presented herein, the ultimate disappearance of the unique historical treasures will assuredly occur. Appropriate legislative action by the Congress will help assure the realization of a bona fide program for their preservation and protection. It will also serve to memorialize the work of Andrew Ellicott and Benjamin Banneker, particularly if the stones are placed on the National Register of Historical Places.

ATTACHMENT LISTING

1. A booklet entitled Boundary Markers of the Nation's Capital prepared by the National Capital Planning Commission, Summer 1976.
2. Print of Fred E. Woodward's map of 1916 showing boundary stone locations and condition.
3. Draft legislation, dated 9-5-78, of a bill to preserve, protect and maintain the original boundary stones of the Nation's Capital.



ROUGH PLAN SHOWING THE LOCATION OF THE ORIGINAL BOUNDARY OR MILE STONES OF THE DISTRICT OF COLUMBIA PLACED IN 1791 AND 1792. AND THEIR CONDITION AT THE PRESENT TIME
 FRED E. WOODWARD
 1916

THIS STONE MISSING.

1200 WILKIE ST HAS BEEN BUILT UP

JONES POINT LIGHTHOUSE

GOUTH CORNER - INITIAL STONE PLACED APRIL 15, 1791

FOUR PENNY VERY POOR - IN THE WATER

BURIED

SHINE BLUE PLAINS

LIVINGSTON ROAD

WHEELER ROAD

NEAR OXON RUN

WALKER ROAD

SUIT ROAD

BOWEN + RINGE RDS.

NEAR CAPITOL HTS.

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A BILL

To preserve, protect, and maintain the original boundary stones of the Nation's Capital.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "National Capital Boundary Stones Act".

FINDINGS AND PURPOSES

Sec. 2(a). Congress hereby finds that because of the deteriorating condition and neglect of the 40 original boundary stones delimiting the ten mile square first set aside by the State of Maryland and the Commonwealth of Virginia as the "seat of government of the United States," there is a need to provide for their preservation, protection, and maintenance.

(b). The purposes of this Act are to:

1. assign responsibility for the preservation, protection, and maintenance of the boundary stones;
2. assure perpetuity of these important historic boundary stones for future generations of Americans to view and enjoy; and
3. provide an adequate mechanism for ensuring that the boundary stones are protected and maintained.

PRESERVATION, PROTECTION, AND MAINTENANCE
OF THE BOUNDARY STONES

Sec. 3(a). The preservation, protection and maintenance of the boundary stones shall be the responsibility of such agency within the United States Department of the Interior as the Secretary of that Department (hereinafter, the "Secretary") shall, within 90 days of enactment of this Act, designate.

(b). Such designated agency shall prepare and submit to the Secretary, within one year after the enactment of this Act, a program for preserving, protecting, and maintaining the boundary stones. Such program shall include:

1. with respect to each boundary stone located at the four cardinal points of the compass at the corners of the ten mile square delineating the original site of the Nation's Capital (hereinafter, "Corner Stone"), a development plan for making each corner stone reservation the site of an appropriately-sized park. Each such plan shall describe the extent of land and the type of property interest therein (including easements) which must be acquired to implement such plan;
2. with respect to each other boundary stone, a determination of the extent of land and the type of property interest therein (including easements) which must be acquired in order to adequately preserve, protect, and maintain such boundary stone;

3. plans for relocating to its original location, whenever feasible, every boundary stone that has been moved or alternatively, plans for placing an appropriate marker in the original location;
4. a location survey of each boundary stone, referenced to the appropriate State Plane Coordinate System with appropriate ties to property lines and the results shown on plats of survey in such form as may be suitable for recording purposes;
5. plans for (i) transferring an original boundary stone (selected by the designated agency) to the Smithsonian Institution for permanent display and (ii) replacing the boundary stone with an exact replica;
6. alternatives for the long-term care, protection and maintenance of the boundary stones which may include agreements between private individuals, the Federal government or agencies of local jurisdictions or states in which the stones are located; and
7. a schedule and financial plan for carrying out the program.

(c). The designated agency shall carry out the program as approved, or modified and approved, by the Secretary.

CRIMINAL PENALTIES

Sec. 4. Any person who shall willfully injure or remove any boundary stone shall be fined not more than \$500, or imprisoned not more than six months, or both.

AUTHORIZATION

Sec. 5. There is hereby authorized to be appropriated such funds as shall be necessary to carry out the provisions of this Act.

SECTION-BY-SECTION ANALYSIS .

Section 1. Title. This Act would be cited as the National Capital Boundary Stones Act.

Section 2. Findings and Purposes. In this section, Congress finds that there is a need to provide for the preservation, protection, and maintenance of the forty original boundary stones which are currently neglected and deteriorating. The purposes of the Act are to assign responsibility and prepare a program for their preservation, protection, and maintenance within the Executive Branch.

Section 3. Preservation, Protection, and Maintenance of the Boundary Stones. This section requires the Secretary of the Interior to assign responsibility for the boundary stones to an agency within the Department of the Interior. It also directs such agency to prepare a program for preserving, protecting, and maintaining the boundary stones. The program would include parks at each of the four corner stones; acquisition of sufficient land to protect the other boundary stones; restoration to their original location stones which have been moved; a location survey of each stone; Smithsonian Institution display of one stone (and its replacement with a replica); alternative administrative mechanisms including the involvement of state and local governments; and a schedule and financing plan for implementing the program. The program is to be first submitted to the Secretary for his approval or modification and approval and then implemented by the agency.

Section 4. Criminal Penalties. This section sets criminal penalties for willful destruction to a boundary stone. It is similar to 40 U.S.C. 101, which sets criminal penalties for damaging Federal public buildings in the District of Columbia.

Section 5. Authorization. This section authorizes the appropriation of such funds as are necessary to carry out the Act.