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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1071** Session of  
1987

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INTRODUCED BY DOMBROWSKI, CAPPABIANCA, BOYES, MERRY AND BOWSER,  
APRIL 7, 1987

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SENATOR WENGER, STATE GOVERNMENT, IN SENATE, AS AMENDED,  
MARCH 22, 1988

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AN ACT

1 Imposing powers and duties on the Pennsylvania Historical and  
2 Museum Commission with respect to the observance of naval and  
3 maritime history celebrations; ESTABLISHING AN OFFICIAL ←  
4 ARBORETUM OF PENNSYLVANIA; establishing an official flagship  
5 for the Commonwealth; and providing for interagency  
6 cooperation.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Flagship of  
11 Pennsylvania Act.

12 Section 2. Findings and declaration of policy.

13 It is hereby determined and declared as a matter of  
14 legislative finding and policy that:

15 (1) Section 2801-A of the act of April 9, 1929 (P.L.177,  
16 No.175), known as The Administrative Code of 1929, designates  
17 the Pennsylvania Historical and Museum Commission as the  
18 official agency of the Commonwealth for the conservation of

1 Pennsylvania's historic heritage.

2 (2) The commission holds in trust the UNITED STATES BRIG  
3 NIAGARA at Erie, Pennsylvania. One of only three existing  
4 early 19th century fighting ships of the United States Navy,  
5 the UNITED STATES BRIG NIAGARA is the only remaining ship of  
6 its type from the War of 1812.

7 (3) The UNITED STATES BRIG NIAGARA serves today as a  
8 memorial to the Americans who built and sailed a squadron of  
9 warships so that the United States would remain free of  
10 foreign domination. On September 10, 1813, this American  
11 squadron of nine small ships, six of them constructed in the  
12 settlement of Erie, defeated a six-ship British squadron in  
13 the Battle of Lake Erie. This victory in the War of 1812  
14 removed the British threat to the Northwest Territory, opened  
15 supply lines and raised morale throughout an apprehensive and  
16 divided nation.

17 (4) The UNITED STATES BRIG NIAGARA is significant  
18 because of its service during this engagement as Commodore  
19 Oliver Hazard Perry's relief flagship after his original  
20 flagship LAWRENCE had been disabled. Flying Perry's famous  
21 "Don't Give Up The Ship" battle flag, the UNITED STATES BRIG  
22 NIAGARA was brought quickly into the line of battle, forcing  
23 the surrender of the British squadron. This event, marking  
24 the only time in history that an entire British naval  
25 squadron was captured, was reported by Perry in his letter  
26 which began with the now-famous phrase, "We have met the  
27 enemy and they are ours..."

28 (5) The UNITED STATES BRIG NIAGARA is further  
29 significant as being one of six ships constructed at Erie,  
30 built largely of native Pennsylvania materials and sailed by

1 Americans from various regions of what was the United States  
2 in 1813.

3 (6) After the War of 1812, the UNITED STATES BRIG  
4 NIAGARA remained in Erie as a station ship until 1820 when  
5 she was scuttled in Misery Bay to preserve her for possible  
6 future use. Her remains were raised in 1913 by a group of  
7 Erie citizens and rebuilt for a grand tour of the Great Lakes  
8 ports to celebrate the centennial of the Battle of Lake Erie.  
9 Since then, the Niagara has remained in Erie and, twice  
10 refitted, has become a major tourist attraction in  
11 northwestern Pennsylvania.

12 (7) In 1988, the commission will begin a third  
13 restoration which will again return the UNITED STATES BRIG  
14 NIAGARA to the waters of the Great Lakes.

15 Section 3. Establishment of official Flagship of Pennsylvania.

16 The restored UNITED STATES BRIG NIAGARA is hereby designated  
17 the official flagship for the Commonwealth of Pennsylvania. It  
18 shall be known as the Flagship of Pennsylvania and its home port  
19 will be Erie, Pennsylvania.

20 Section 4. Powers and duties of commission.

21 The Pennsylvania Historical and Museum Commission shall have  
22 the following powers and duties:

23 (1) To cooperate with the Department of Military  
24 Affairs, the United States Navy and other appropriate  
25 organizations in commemorating significant events of our  
26 naval and maritime heritage.

27 (2) To sail the UNITED STATES BRIG NIAGARA, within the  
28 means at its command, to various ports of call and  
29 commemorative events as the official sailing ambassador for  
30 Pennsylvania.

1           (3) To charge whatever fees are necessary to maintain  
2           the vessel and to encourage private financial support as  
3           appropriate in order to support the UNITED STATES BRIG  
4           NIAGARA and its sailing program.

5 SECTION 5. ESTABLISHMENT OF OFFICIAL ARBORETUM OF PENNSYLVANIA. <—

6           THE MORRIS ARBORETUM OF THE UNIVERSITY OF PENNSYLVANIA, WHICH  
7           IS ON THE NATIONAL REGISTER OF HISTORIC PLACES, IS LOCATED IN  
8           PHILADELPHIA AND MONTGOMERY COUNTIES AND CONSISTS OF 166 ACRES.  
9           THE MORRIS ARBORETUM, WHICH HAS BEEN RECOGNIZED AS A UNIQUE  
10          CULTURAL RESOURCE AND IS THE OLDEST, MOST EXTENSIVE CURATED  
11          COLLECTION OF TREES AND SHRUBS CULTIVATED FOR SCIENTIFIC AND  
12          EDUCATIONAL PURPOSES FOR STUDY AND PROPAGATION IN THIS  
13          COMMONWEALTH, IS HEREBY SELECTED, DESIGNATED AND ADOPTED AS THE  
14          OFFICIAL ARBORETUM OF THE COMMONWEALTH OF PENNSYLVANIA.

15 Section 5 6. Cooperation with commission. <—

16          All Commonwealth agencies and public officials shall  
17          cooperate fully with the Pennsylvania Historical and Museum  
18          Commission in support of its naval and maritime history program  
19          and, to that end, shall:

20               (1) Include the commission in any planning efforts for  
21               the commemoration of significant events of our naval and  
22               maritime history.

23               (2) Develop plans with the commission which will utilize  
24               the UNITED STATES BRIG NIAGARA as the official flagship for  
25               the Commonwealth of Pennsylvania.

26 SECTION 7. ERECTION OF SIGNS. <—

27          THE DEPARTMENT OF GENERAL SERVICES SHALL ERECT APPROPRIATE  
28          SIGNS DESIGNATING THE MORRIS ARBORETUM OF THE UNIVERSITY OF  
29          PENNSYLVANIA AS THE OFFICIAL ARBORETUM OF THE COMMONWEALTH OF  
30          PENNSYLVANIA.

1 Section 6 8. Effective date.

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2 This act shall take effect immediately.