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# THE BEGINNING OF THE MASON-DIXON LINE

As long ago as 1909 the author of a volume published in Pennsylvania to report on the resurvey of the Maryland-Pennsylvania boundary, part of the Mason-Dixon line, observed that "the problem of determining the relative correctness of the conflicting views (concerning the boundaries of Maryland) is by no means a simple one. Its subsidiary questions involve the relative rights of European Nations to the American Continent, the functional scope of different parts of the British government in the 17th century and many points of history from the early voyages of discovery in the 15th century to the beginning of the discontent which culminated in the American Revolution."

Continued research and technical progress on this always fascinating subject has developed more information and fortunately has reduced the problem so that it is of more interest to historians and scholars and less of a problem to government administrators.

Disputes concerning the boundaries of Maryland on the East and North are rooted in the earliest history of our country beginning with the voyages of exploration. The Spanish explored the Southern Coast northward to the vicinity of New York, the English the northeastern coast as far South as the mouth of the Chesapeake, while the French explored the interior, which they gained by ascending the St. Lawrence. The explorations of the English preceded the more northerly voyages of the Spanish whose territorial possessions were kept below the present State of Georgia.

The claims of the English to the seacoast between Nova Scotia and Cape Fear were based on the voyages of the Cabots in 1497-98. The territory, lying between latitude 34° and 45° was known originally as Virginia and was granted in two parts to the London and Plymouth and Exeter Companies, the dividing line being the fortieth degree of latitude. Late in 1624 the Crown reclaimed the territory assigned to the London Company, that is from 34° to 40° north latitude, and regranted a northern portion to Lord Baltimore in 1632 and a southern portion to the Earl of Clarendon in 1663. In the meantime the Swedes and Dutch had settled along the Delaware and Hudson Rivers. The Dutch were originally regarded by the English as squatters. They successfully asserted their claim in 1664 and their whole territory was granted to the Duke of York who later became King James II. He in turn granted, sold or leased, the territory of New Jersey to Berkeley and Carteret in 1664, and that of Pennsylvania and Delaware to William Penn in 1681 and 1682. The Penn Territory had originally been granted to the Plymouth Company in 1606 and later to the Plymouth Council for New England in 1620, but had never been settled by them. The Delaware territory was originally granted to Lord Baltimore in 1632 but small settlements of Swedes and Dutch gained possession of the land before Maryland had grown large enough to need it.

The gradual occupation of all the territory brought up the question of boundaries and compelled a careful consideration of the

rights of the Swedes to Wilmington and other parts of the Delaware River Valley, the Dutch to the Delaware, the Duke of York to the Territory previously granted by his father, Charles I, to Lord Baltimore and of the subsequent rights of William Penn to the same territory. The final decisions were made without sufficient regard to the actual facts of the case, many of them having been overlooked and only subsequently brought to light, and were the results of numerous compromises by the proprietors in their attempts to reach amicable adjustments of their claims. The carrying out of the final decree involved the interpretation of many obscure points regarding localities named, method of surveying proposed and the meaning of terms employed in the agreements.

The circumstances leading to the granting of a charter to the Territory of Maryland by Charles I were the results of several incidents in the life of Sir George Calvert, the first Lord Baltimore, who first obtained office in Ireland a few years after the accession of James I. Because of his ability and character he rose rapidly in power and in the esteem of his King until he was appointed Secretary of State in 1618 and created a Baron in 1625. As early as 1620 he became personally interested, by purchase, in a portion of Newfoundland where he subsequently expended considerable money in an attempt to establish a colony but because of the inclemency of the climate and the shortness of the Summer he was unsuccessful. He was very discouraged by this experience but after a visit to Virginia he asked the King for land in Virginia not already granted. His first

request was for Territory "lying to the southward of James River in Virginia between that River and the bounds of Carolana [sic]," or what is now the southern portions of Virginia and the contiguous areas of North Carolina. Finding the Virginia Planters opposed to the establishment of another colony so near them, his Lordship asked his Majesty to grant him in lieu thereof some parts of the continent to the northward. This request was granted and, according to report Lord Baltimore drew his new charter himself and in so doing laid the basis for a controversy which was to last for many years. One of the phrases which was to cause so much trouble was "not yet husbanded or planted" and was to be of great importance in the disputes regarding the settlements along the Delaware.

The final grant as supposedly drawn up by Lord Baltimore passed the Privy Seal but objections on the part of the Virginia Company caused a delay in its passage of the Great Seal until after the death of Lord Baltimore on April 15, 1632. His eldest son, Cecil Calvert, became the second Lord Baltimore and as the heir of his father was finally issued on June 20, 1632, a Charter for Maryland. The Virginia Planters opposed the establishment of a new colony and submitted a petition against the grant but were denied consideration. Even more serious resistance was offered by William Claiborne and his followers who had established trading posts at Kent Island and at Palmer's Island (near Havre de Grace) prior to the landing of Governor Leonard Calvert in the Spring of 1634. Claiborne's petition of February 26, 1638, was referred to the Privy Council and led to

an order dated April 4, 1638, favoring Lord Baltimore's claim.

The first Maryland colonists under Leonard Calvert arrived in the Chesapeake in the early Spring of 1634 and chose for the site of their settlement the shores of the Potomac River, taking possession of St. Mary's on March 27, 1634. From this central point the settlers gradually worked their way up the Potomac and Patuxent Rivers and along the western shore of the Chesapeake Bay. Attempts to cultivate on the eastern shore were at first very limited. After the decision of 1638 a sheriff was appointed for Kent Island but it was not until after 1660 that the settlers were sufficiently scattered to require the establishment of county courts. The ease of water communication along the Chesapeake gave little reason for the establishment of settlements along the shores of Delaware Bay which had been granted to Lord Baltimore as part of the Maryland territory. Thus, the lack of activity in settlements along the eastern limits of Lord Baltimore's grant was fatal to his interests in that region as the Dutch and Swedes seized upon this River as a favorable spot for establishing colonies of their own.

We cannot concern ourselves here tonight with the activities and conflicting claims of the Swedish, Dutch and English on the Delaware except to note that after the Dutch had successfully overcome the Swedes they in turn were overcome by the English. This came about because Charles II, determined to test by force the Dutch claims to the choicest part of his possessions in the colon-

ies, granted to his Brother, James Duke of York, on March 12, 1663, all the land extending from the west bank of the Connecticut on the East to the eastern shore of the Delaware on the west. The Duke of York immediately moved to enforce his patent and with the surrender of Fort Amsterdam on September 8th the town of New Amsterdam became New York. Toward the latter part of the same month the fortifications at New Amstel were reduced and the town rechristened New Castle. The result of all this was that the Dutch were obliged to surrender to the English by the Treaty of Westminister all territory held by England on May 10, 1667.

This was another factor which contributed to conflicting territorial claims. To revalidate the title of the Duke of York to the lands originally granted him, Charles II on June 29, 1674 regranted the original territory, including that ceded by the Dutch, to his Brother. This, of course, raised a very serious question as to whether or not the Dutch could properly cede that which they had never rightfully possessed. It can be seen that the inactivity of the Maryland colonists along the eastern seaboard, the inclusion of the phrase "hactenus inculta" in the Maryland Charter and the surrender of the Dutch to the forces of the Duke of York all contributed to the loss by Lord Baltimore of the Territory which is now Delaware.

Time will not permit a detailed discussion of all further claims and counterclaims on this boundary dispute which developed but a few highlights will be of interest. The charter granted to

William Penn gave him all that tract of land bounded on the East by the Delaware River extending westward five degrees in longitude and on the South by a circle drawn at twelve miles distance from New Castle, northward and westward to the beginning of the 40° of north latitude and then by a straight line westward. Actually, it was not possible for such a circle to reach the fortieth degree of latitude. Also, the definition of the southern boundary was later variously interpreted as a circle twelve miles in circumference, the circle drawn around a diameter of twelve miles passing through New Castle and as a circle with a radius of twelve miles beginning in New Castle. There were even some who wished to argue whether twelve miles should be measured to fit the actual curvature of the land rather than as twelve horizontal miles drawn on a map.

It is interesting to note that one of the early decisions in this dispute was rendered by the Board of Trade and Foreign Plantations on November 7, 1685 when they recommended that the land lying between Delaware Bay and Chesapeake Bay be divided into two equal parts by a line drawn from the latitude of Cape Henlopen to the fortieth degree of north latitude. Nearly one hundred years later this was to be a basis for the work of Charles Mason and Jeremiah Dixon.

One of the difficulties with the Board's decision was the naming of Cape Henlopen. There is some question as to the intentions of both parties in this respect but maps were drawn and submitted on which Cape Henlopen was placed at a point on Fenwick Island fifteen

miles south of its presently known position. The point today defines the lower boundary of the State of Delaware.

Controversy continued concerning the boundary and finally it was serious enough that the King on May 25, 1738, ordered the laying out of a temporary line between Pennsylvania and Maryland, forbidding all disorders along the boundary and the making of further grants in the disputed territory. Another question to be determined was that of fixing the boundary between Maryland and the Three Lower Counties on Delaware.

A decision of Lord Hardwicke issued as High Chancellor on May 15, 1750, required that steps be taken to establish a boundary. As a result of this two surveyors went to Cape Henlopen in late 1750 and began clearing a line from Cape Henlopen westward. This marks the beginning of the effort to establish the transpeninsular line. The following year the line was completed with each mile marked with a post and each five miles marked with a stone. These original stones or monuments were cut especially for the purpose from native stone. They were rectangular prisms 4 1/2" x 8" in cross-section and with a rounded top. On one side was inscribed the arms of Lord Baltimore and on the opposite side the arms of the Penns. The design used for these coat-of-arms differed somewhat from that on the boundary monuments used by Mason and Dixon at a later date.

Only five of these monuments were originally established. It was intended to use six, one near the ocean and one at every five

mile interval to the twenty-five mile post. At the fifteen mile point, however, the Pocomoke River and surrounding swamps discouraged placing a stone in this area.

While this line was being run in April, 1751, Charles, Fifth Lord Baltimore, had died in England and his son, Frederick, inherited the title. The young Lord Baltimore refused to be bound by the agreements of his father and his guardian, Cecil Calvert, urged that any settlement be delayed until Frederick, the sixth Lord Baltimore, had attained his majority. Final agreement was reached on July 4, 1760. An opinion was rendered in favor of horizontal as opposed to superficial lines, and it was determined that a circle with a twelve mile radius whose center should be the New Castle Court House would be drawn. The line of 1751 from Fenwick Island across the Peninsula was accepted and the Middle Point was marked by a white oak post. The point was later marked with a cut stone monument two feet eight inches to the north of the post. Other work was performed including making observations for the true meridan and work was then started to run the line north until it should intersect a circle to be run at a distance of twelve miles around New Castle. Late in the year 1763 the surveyors had run this line to the north and it might have been accepted as the final line except that word was then received that Charles Mason and Jeremiah Dixon had been engaged in England to assist the surveyors in running the line.

Meeting in George Town, Kent County, Maryland, on October 22, 1763, the Commissioner's minutes recorded that "... the Pennsylvania

Commissioners informed the Maryland Commissioners that they had lately received a letter from the Proprietor of Pennsylvania dated the 10th of August acquainting them that they and Lord Baltimore had agreed with two Mathematicians or Surveyors to come over and assist in running the Lines agreed on in the original Articles, who were to embark for Philadelphia the latter end of August last and that their arrival might soon be expected." This is the first American reference to Charles Mason and Jeremiah Dixon whose names were later given to the boundary between Maryland and Pennsylvania.

With the arrival of Mason and Dixon in Philadelphia on November 15, 1763 a new chapter began in the history of the long controversy of settling Maryland's boundaries. The story of their efforts and the work they accomplished is worthy of a treatment separate from this discussion of early difficulties.

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