

THE EVOLUTION

OF THE

MASON AND DIXON LINE

By MORGAN POITIAUX ROBINSON.

REPRINTED FROM THE APRIL AND MAY, 1902, NUMBERS OF THE
ORACLE MAGAZINE, RICHMOND, VIRGINIA.

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THE EVOLUTION OF THE MASON AND DIXON LINE.

MORGAN POITIAUX ROBINSON.

PROBABLY there is no minor incident nor event in the whole course of American history to which the general public attaches more importance than to the Mason and Dixon line.

So closely did the name become associated with the Anti-slavery Struggle that, to the average reader and the casual thinker, the Mason and Dixon Line has come to signify a strict dividing line between the North and the South: but this is not the case, for Delaware—north of the line—although a Slave State, sided with the North, while Maryland—south of the line—also a Slave State, although officially in the Union, was seriously divided in sentiment, and furnished a by no means inconsiderable quota of troops to the Army of the Confederate States of America.

A line originally run for the sole purpose of establishing the exact bounds between the lands of William Penn, Lord Proprietor of the Province of Pennsylvania, and those of Cecil Calvert, the Second Lord Baltimore, Lord Proprietor of the Province of Maryland, chance made it the line of demarkation dividing the Slave from the Anti-slave, or "free" States, and there are those who even think that it was a mere imaginary line, named as a political catch-phrase, at the beginning of the War between the States, and made to appear the more material by reason of the greater significance of that struggle: while in Europe it is generally confounded with parallel $36^{\circ} 30'$ of northerly latitude, which parallel was established by the Missouri Compromise of 1820 as the northernmost limit to which slavery could be carried in the territories—a mistake not infrequently made in the United States. But, as a matter of fact, the Mason and Dixon Line had been a material reality for all but a century

before the outbreak of the War between the States.

The London Company was organized by adventurers and planters in the year 1606, and, on the 10th day of April of the same year, King James the First issued the First Charter to the First Colony in Virginia, which charter provided that divers and sundry His Majesty's loving subjects could "deduce a colony of sundry our people in that part of *America*, commonly called VIRGINIA, and other parts and territories in *America*, either appertaining unto us, or which are not now actually possessed by any *Christian* Prince or people, situate, lying, and being all along the sea-coasts, between four and thirty degrees of *northerly* latitude from the equinoctial line, and five and forty degrees, and the islands thereunto adjacent, or within one hundred miles* of the coast thereof:" † and then explained that the London Company was to have jurisdiction over the territory "between four and thirty and one and forty degrees of the said latitude," ‡ while the Plymouth Company was to have a similar jurisdiction over the territory "between eight and thirty and five and forty degrees of the said latitude," † thereby making three degrees of the grant neutral territory, the only proviso being "that the plantation and habitation of such of the said colonies as shall plant themselves, as aforesaid, shall not be made within one hundred like *English* miles of the other of them, that first began to make their plantation, as aforesaid." §

From this it is seen that, according to the first charter, the coast-line of the First Colony in Virginia extended from a

*In the thirty-fifth of Queen Elizabeth (1608), the Statute Mile was fixed at 5,280 feet.

† *Charters and Constitutions*, 2, 1,688.

‡ *Ibid.*, p. 1,689.

§ *Charters and Constitutions*, 2, 1,690.

point on the coast of New Jersey, just opposite the City of Philadelphia, on southward to the headland which is today known as Cape Fear, North Carolina.

At the time when this charter was issued, there were no maps of "that part of America, commonly called VIRGINIA," and no one knew of any point by reference to which the King could locate a grant. So it was that, after ascertaining the facts and finding that the proportion of water within the actual ownership of the settlement* was so much greater than they had anticipated, the London Company, now having access to the Map of Virginia, by Captain John Smith, made in the year 1608, which map showed *Poynt Comfort* (the present Old Point Comfort, Virginia), as a fixed and known geographical position, applied to the King for "a further enlargement and explanation of the grant, privileges and liberties."†

Accordingly, on the 23d day of May, 1609, His Majesty was pleased to issue the Second Charter to the First Colony in Virginia, which not only ratified the former charter, but also enlarged upon the already generous privileges of its predecessor to the extent of increasing the original grant to the entire area between the four and thirtieth and one and fortieth degrees of northerly latitude, "and all that Space and Circuit of Land, lying from the Sea-Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea, * * *; * * * and also all the Islands lying within one hundred Miles along the Coast of both Seas of the Precinct aforesaid," ‡and, furthermore, granted that the colonists could appoint officers out of their number to manage and direct their affairs—the source of representative legislation in America.

The reasons for the granting of the Third Charter to the First Colony in Virginia are best set forth in the preamble to that instrument, which ratifies and confirms the former charters, and states that it had been represented to his Royal Majesty that there were divers islands off the coast of Virginia—yet outside the jurisdiction of the first Colony—which it

would be advisable and advantageous to settle: that they (the Company) had applied for a further enlargement of the former charters, and that, in furtherance of the plans of the Company and the colonists, "as in Respect of the Good of our own Estate and Kingdom," his Majesty would be pleased to grant "all and singular those islands whatsoever situate and being in any part of the Ocean Seas bordering upon the Coast of our said First Colony in Virginia, and being within three hundred leagues § of any of the parts heretofore granted * * *."¶

From these facts the reader can gather some idea of the enormous area over which the First Colony in Virginia had jurisdiction.

After the great Indian Massacre in the year 1622, the London Company was not only divided against itself, but was also at loggerheads with the very vain King James the First as to the best manner in which to govern and protect the colonists. This feeling of hostility continued and the relations between the King and the Company became more strained until the 10th day of November, 1624, when, upon a writ of *quo warranto*, the Trinity Term of the Court of King's Bench annulled the three several charters to the First Colony in Virginia, in so far as they referred to the rights of the London Company, and, as Judge Marshall said, "The whole effect allowed to the judgment was to revert to the crown the power of government and the title of the lands within its limits."¶

That same year, the King having dissolved the London Company and assumed the direction of the affairs of the colony, the First Colony in Virginia became a royal province.

King Charles the First instructed Gov-

*According to the Charter, the Colony was to "have all the Lands, Woods, Soil, Grounds, * * * whatsoever, from the said first Seat of their Plantation and Habitation by the space of fifty miles of English Statute Measure," *Charters and Constitution*, 2, p. 1,889.

†*Ibid*, 2, p. 1,893.

‡*Ibid*, 2, p. 1,897.

§The League of the Middle Ages was nearly three Statute Miles, while the Marine League of to-day consists of nearly three and a half English Statute Miles.

¶*Charters and Constitutions*, 2, 1,908.

¶8 Wheaton, 578.

ernor Harvey to procure reliable information as to the rivers of Virginia, so that official, in the years 1627-'9, empowered William Claiborne, then Secretary of State for the Colony, to explore the Chesapeake Bay and secure the desired information.

Claiborne soon controlled an extensive trade with the Indians of the Chesapeake and its tributaries, and in 1631, as agent for Cloberry and Company, of London, obtained a license from King Charles the First authorizing him, "his associates and company, from time to time, to trade for corn, furs, etc., with ships, boats, men and merchandise, in all sea-coasts, harbors, lands and territories, in or near about those parts of America, for which there is not already a patent granted to others for sole trade, with instructions to Governor Harvey to permit such trade; giving Claiborne full power to direct and govern, correct and punish such of our subjects as may be in his command."

Under this license, Claiborne established a trading post on Kent Island, in the Chesapeake Bay, that same year, and this post was the beginning of a settlement which flourished and sent Capt. Nich's Martian as a burgess representing "Kisyake & the Ile of Kent," in the February session of the General Assembly of Virginia in the year 1632.*

In the meanwhile George Calvert, the First Lord Baltimore, had become so dissatisfied with his estate, called Avalon, in New Foundland—a grant from King James the First—on account of the very undesirable nature of the climate, that he decided to leave that country and seek a grant where the climate was a bit more salubrious. So it was that, on the 19th day of August, 1629, George Calvert, the First Lord Baltimore, wrote to King Charles the First, who had acceded to the throne upon the death of his father some four years previous, complained of his estate in New Foundland, proposed to remove himself "with some forty persons to His Majesty's dominion in Virginia," and applied for the grant of "a precinct of land with such provisions as the king, his father, had been pleased to grant him in New Foundland."

Almost immediately after the dispatch of this letter, and probably before it was in the hands of his Majesty, his Lordship started for Virginia, where he arrived during the last days of October, 1629.

He went directly to James City (now Jamestown Island, Virginia), where, on account of his religion—he having declared his conversion to the Roman Catholic Faith in the year 1625—Beverly tells us that "the people looked upon him with an evil eye * *"; and by their treatment discouraged him from settling in that country," † and the colonists carried their insults to such an extent that, under date of March 25th, 1630, we find an item which provided for one "Tho: Tindell to be pillor'd for 2 hours for giving my L'd Baltimore the lye & threatening to knock him down." ‡

It so happened that an Act of Assembly, § passed in March 1642-'43, in accordance with an act of the third of King James the First (1605), || not only prevented Catholics from holding office in the First Colony in Virginia, but, furthermore, required that all persons, declining to take the oaths of supremacy and allegiance, be ejected from the colony within five days.

After Lord Baltimore had arrived at James City, the proper authority proceeded to administer the formal oaths of supremacy and allegiance, ¶ as provided by the royal charter, ° but his Lordship and divers of his followers declined to take these strict oaths**required by King James the First, whereupon the party, who, by reason of the said Act of Assembly of March, 1642-'43, could not now remain within the limits of the colony for more than five days, explored the Chesapeake Bay up to the thirty-eighth degree of northerly latitude—††the extreme northern limit of the sole jurisdiction of the First Colony in Virginia—with a view to obtaining a grant for a plantation to

*1 Hening, 154.

†Beverly, p. 46.

‡1 Hening, 522.

§*Ibid.*, 268-9.

||*Statutes at Large*, 2, 656.

¶*Ibid.*, 650, 686.

°*Charters and Constitutions*, Part 2, p. 1,906.

***Statutes at Large*, 2, 650, 686.

††Beverly's statement (p. 46.) that Cecil Calvert m. this exploration, to the contrary, notwithstanding.

the north of the cultivated and settled lands of the said First Colony, and finding that the settlements did not extend further north than the south bank of the Potomac River, Lord Baltimore left his lady in Virginia and hurried back to England to push his claim, where, upon his arrival, he found a letter from the King, dated November 22d, 1629, advising him to desist from his intentions to settle in America.

George Calvert, the First Lord Baltimore, who applied to King Charles the First for his grant in the northern part of the First Colony in Virginia, died on the 15th day of April, 1632, but on the 10th day of June of that same year, his Majesty, upon a renewal of the application by the grantee, issued the charter in the name of Cecil Calvert, the Second Lord Baltimore: and that, too, in spite of the fact that, in the spring of 1630, "Francis West, who had been Governor of Virginia, William Claiborne, Secretary, and William Tucker, one of the Council, were in London, resisting the planting a new colony within the limits of the settled parts of Virginia."

When Leonard Calvert founded St. Mary's in 1634, William Claiborne opposed the authority of Lord Baltimore over Kent Island, and in the year 1635 fitted out an armed expedition, made war on Lord Baltimore, and afterwards fled to Virginia, where Governor Harvey gave him refuge. He subsequently went to England, and in February, 1637, he and his partners presented a petition to the King that, "by virtue of a commission under his Majesty's hand divers years past, they discovered and planted the Isle of Kent, in the bay of Chesapeake, which island they had bought of the kings of that country; that great hopes for trade of bevers and other commodities were like to ensue by the discoveries; and that Lord Baltimore, observing this, had obtained a patent, etc.," and praying that they receive a grant "for the quiet enjoyment of their said plantations." This petition was referred to the Lord's Commissioner of Plantations, who decreed in substance "that the lands in question abso-

lutely belonged to Lord Baltimore, and that no plantation or trade with the Indians ought to be allowed within the limits of his patent without his permission; with regard to the violence complained of, no cause for any relief appeared but that both parties should be left to the ordinary course of justice."

In 1651, Claiborne was appointed Commissioner to reduce the colonies of Virginia and Maryland, and in the following year an expedition overthrew the cavalier and established a roundhead government, with Richard Bennett as Governor and Claiborne as Secretary of State, but in 1658 the Commonwealth returned the province to Lord Baltimore.

The charter to Lord Baltimore set down the southern, southwestern, and western bounds of the proprietary of Maryland, which, after discussion and controversy with the Royal Province and the State of Virginia for some two hundred and fifty years, was finally established by the Joint Commission of 1874, as the bounds of the present State of Maryland, where it borders on the States of Virginia and West Virginia.

Thus it was that the Mason and Dixon Line became the northern boundary of Maryland and not of Virginia.

This trouble with Claiborne constituted but a small part of the difficulty which Lord Baltimore had to overcome before he could gain a clear title to his grant. As early as 1629 a Hollander, named Godyn, had bought from the natives a tract of land extending some thirty miles northwardly from the present Cape Henlopen, and in 1631 another Hollander, De Vries by name, planted a colony and built a fort within the tract and called the settlement Swanendael, which was situated on the west bank of Delaware Bay, near the present site of Lewes, Del. But two years later the Indians massacred most of the inhabitants, destroyed the settlement, and repossessed themselves of the land, so that De Vries abandoned Swanendael on the 14th day of April, 1633.

Later on, in 1638, a company composed of Swedes and Fins, led by Chancellor

Oxenstein, bought the same tract and built a fort at the mouth of Christiana Creek, which was the stream on which Wilmington, Del., now stands, and this settlement flourished until 1655, when the Dutch, under Peter Stuyvesant, invaded the place, re-established Dutch rule, and renewed the Dutch title by virtue of the original purchase by Godyn and the settlement at Swanendael by De Vries.

In the year 1659; Lord Baltimore became uneasy about this little colony of Dutch within the limits of his domains, so he sent instructions to his Governor to notify them that "they were seated within his lordship's province without his permission," and for this mission Col. Nathaniel Utie was chosen, but the serving of this notice made little impression on the Swedish forts, and we soon find Lord Baltimore applying to the powerful Dutch West India Company, which declined to espouse his cause.

These controversies and conflicts continued until 1664, when the Duke of York, under a grant from King Charles the Second, took possession of New Amsterdam and its Dutch dependencies on the peninsular. There was peace for Lord Baltimore, after the arrival of the Duke of York, until the Dutch re-possessed themselves of New Amsterdam in July, 1673, and the following year an armed force of Marylanders marched against Swanendael, but this expedition against the Dutch yielded no better results than had the mission under Col. Utie some fifteen years previous.

On account of this settlement at Swanendael, Lord Baltimore's title to the grant originally purchased by Godyn had never been clear up to this time, although the tract came within the bounds of the grant to Baltimore as set down in the charter.

As the settlement at Swanendael existed at the time when the Baltimore Charter passed the Great Seal, but as there were no colonists there when Leonard Calvert founded St. Mary's in 1634—De Vries having abandoned the settlement on the 14th day of April, 1633, on account of the Indian massacre—it now be-

came necessary to determine whether the charter granted the lands which were "*hactenens inculta*" at the time when the charter was granted, or at the time of the taking possession by the grantee, but in 1674 King Charles the Second confirmed the previous grants to the Duke of York and included the western bank of the Delaware on the peninsula, and thereby cleared the title to the Duke of York.

Just at this juncture there appeared a potent figure in our history who was destined to be the source of no end of trouble to Lord Baltimore.

In the year 1681 King Charles the Second, "having regard to the Memorie and Meritts of his late Father in divers Services, and perticularly to his Conduct, Courage and Discretion, under our Dearest Brother, JAMES, Duke of York, in that Sigsall Battell and Victorie fought and obteyned against the *Dutch Fleete*, commanded by Herr *Van Opdam*, in the yeare one thousand six hundred and sixty-five,"* granted to William Penn "that extensive forest lying twelve miles northward of Newcastle, on the western bank of the Delaware River,"† which contained all the land which is now within the State of Pennsylvania, besides that part of the State of New York which lies south and west of the present city of Johnstown. From this it is seen that the grant to Lord Baltimore was overlapped by the subsequent grant to William Penn, a mistake brought about by an error in the Map of Virginia, by Captain John Smith, made in the year 1608, as to the exact location of the parallel of the fortieth degree of northerly latitude; but, as Lord Hardwicke said in the case of Penn vs. Lord Baltimore, "it is a fact that the latitudes were fixed much lower down than they have been since found to be by more accurate observation."

Penn soon became dissatisfied with his grant, and, "as he found it lying backwards," and the Delaware "a place of difficult and dangerous navigation, especially in the winter season, he continually solicited the Duke of York, though in

*Charters and Constitutions, Part 2, p. 1509.
†Chalmers's *Historical Annals*, p. 640.

vain, for a grant of the Delaware colony. But at length, wearied with solicitation, or hoping for benefit from a possession which had hitherto yielded him none, the Prince conveyed in August, 1682, as well the town of Newcastle, with a territory of twelve miles around it, as the tract of land extending southward from it, upon the river Delaware to Cape Henlopen."*

The question now arose as to whether the twelve miles about Newcastle was a periphery or a radius, so in 1750, Lord Hardwicke, who had been applied to to determine the matter, decided that the twelve miles was a radius about the town of Newcastle, or as nearly so as possible, and this decision was in support of the contention of Penn, who had said that it was a radius about the centre of Newcastle as the centre of the circle. But Lord Baltimore continued on the offensive, and, as it was to his advantage to shorten the mile, if possible, he contended for the adoption of a plan for measuring the mile according to the surface and not horizontally, so Lord Hardwicke was again applied to, and in March, 1751, he ordered that the measuring be done horizontally in the proper manner. In spite of this opposition on the part of Lord Baltimore—an application having been made to the King and the matter referred—the title and sale were afterwards recognized by the Committee of Trade and Plantation, who finally, on the 13th of November, 1685, gave Penn a title dating back to the pioneers Godyn and De Vries.

From time to time there were numberless controversies and conflicts between the lords proprietor, but an agreement was made on the 10th day of May, 1732, between the children of Penn and a grandson of George Calvert, the First Lord Baltimore, by which the Baltimores accepted as the southern boundary of Delaware an east-and-west line running from the middle point of the peninsula to the ocean, on the east, but some fifteen miles south of Cape Henlopen, from which point the east-and-west line should have run to the middle point of the Eastern Shore.

Nor did this settle the controversy, for we find that, on the 4th day of July, 1760,

the Court of Chancery finally—after considering the matter for three-quarters of a century—confirmed the former decision of the Committee of Trade and Plantations. "According to the decree of the Board of Chancery, the boundary line must consist of an east and west line extending from Cape Henlopen to the centre of the Eastern Shore, thence northerly at a tangent to a circle with a twelve-mile radius about Newcastle, Del."

And so it was that Delaware was cut out of the territory originally granted to the Baltimores.

We have seen that Penn received an extensive grant from King Charles the Second, and that the grant overlapped the former grant to Cecil Calvert. This overlapping was, as we may imagine, the cause of most of the subsequent trouble between the lords proprietor. In the year 1682, William Penn colonized the City of Philadelphia; and while Penn claimed the spirit of his charter, based upon the assumption that the Map of Virginia by Captain John Smith, of the year 1608, was used in the preparation of that charter, the Baltimores insisted upon the letter of their charter, which gave them jurisdiction over the principal settlement in the Colony of Pennsylvania, so, then, Penn contended that the charter to the Baltimores granted them only to the "beginning of the fortieth parallel (what is now the thirty-ninth degree of latitude)."

Within three years after the time when Penn received his grant from King Charles the Second, he made application to the King, which application was referred to the Committee of Trade and Plantation, "resulting in an order of Council dividing the eastern peninsula by a north-and-south line (1685)."

The question which caused these repeated controversies during the century and a quarter from 1638 until the running of the Mason and Dixon line (1760) may be summarized as follows:

"1. The questions relating to the original grants and titles.

*Ohalmer's *Historical Annals*, p. 848, and authorities there cited.

"2. Those regarding local points named in the grants and agreements.

"3. Those arising from the actual surveying and marking of the lines agreed upon."

Lord Hardwicke, having decided that the twelve miles about Newcastle was a radius and not a periphery, and, later, that the mile should be measured horizontally and not according to the surface of the earth, the colonial surveyors began work soon after the execution of the deed which finally closed the controversy between William Penn and Lord Baltimore, on the 10th day of July, 1760.

According to this decree of the Board of Chancery, the line between the lands of the contending lords proprietor was to consist of a true east-and-west line running from Cape Henlopen to the centre of the Eastern Shore, thence a north-and-south line to a point of tangency with the circle of a twelve-mile radius about Newcastle, and from this point of tangency a true north line was to extend to a point of intersection with a line fifteen miles south of the southernmost point of the City of Philadelphia. Then, from this point the surveyors were to run a true east-and-west line for five degrees of longitude west from the Delaware River. This explains why it is that at the northeast corner of Maryland there is a narrow strip of the State of Pennsylvania, standing astride of which a person can have one foot on Delaware and the other on Maryland.

The methods used in those days were very crude, and the surveyors had to hold the chains as nearly horizontal as possible and keep the direction by sighting along a line of poles set up in a clearing through the forests. The colonial surveyors—the best that the contending parties could secure in the colonies—gave their first attention to the running of the peninsula east-and-west line and the circle about Newcastle, but, as at the end of three years, they had completed only this part of the work, on the 4th day of August, 1763, Thomas and Richard Penn and Lord Baltimore, all of whom happened to be in London at that time, en-

gaged Charles Mason and Jeremiah Dixon, two mathematicians and surveyors, "to mark, run out, settle, fix, and determine all such parts of the circle, marks, lines, and boundaries, as were mentioned in the several articles and commissions, and were not yet completed."

The newly-engaged surveyors left England to arrive at Philadelphia on the 15th day of November, 1763.

Mason and Dixon at once determined the latitude and longitude of the city of Philadelphia, and then accepted as correct the peninsula east-and-west line and the circle of a twelve-mile radius about Newcastle, as run by the colonial surveyors, which left to them to determine the peninsula north-and-south line running from the middle point of the Eastern Shore to its point of tangency with the circumference of the circle about Newcastle, thence a line to intersect a true east-and-west line passing through a point fifteen miles south of the southernmost point of the City of Philadelphia—this true east-and-west line to be extended west for five degrees of longitude from the Delaware River to serve as the southern boundary of the lands of William Penn.

Although Mason and Dixon were more precise mathematicians and used more modern methods and more accurate instruments than their predecessors, they recorded on the 13th day of November, 1764, with reference to the tangent line and its intersection with the circle about Newcastle, that it "would not pass one inch to the westward or eastward" of the point of tangency as determined by the cruder methods and the more inaccurate instruments in the hands of the colonial surveyors.

Having determined this point of tangency as ordered by the Board of Chancery, they proceeded to run the line thence to a point of intersection with the meridian passing through the point fifteen miles south of the southernmost point of Philadelphia, which southernmost point was agreed upon as the north wall of a house on Cedar street, occupied by Thomas Plumstead and Joseph Huddle. "They thus ascertained the northeastern

Reproduced from a fac-simile, as published in "The History of Mason and Dixon's Line," an address by John H. B. Latrobe, delivered before the Historical Society of Pennsylvania, November, 1854, opposite page 40.

Jan 13 Arrived at The North Log and lodged
there that Night

Char. Mason

Early Signatures
 Char. Mason }
 You: Dixon.

Signatures
 24 Aug 1767
 near Head docks road

John Dixon

~~These signatures in
the book.~~
 Char. Mason }
 You: Dixon

Signatures
 on the map by order of
the disquisition

John Dixon

FAC-SMILES OF MASON'S AND DIXON'S SIGNATURES. *

*Mason's signature is always uniform: the Christian name abbreviated to Cha.; by the use of a colon: the dot always beginning the first upward stroke of the M, and the following letters in couples. On the other hand Dixon's signature, although at first similarly abbreviated in the Christian name and showing a tendency toward uniformity, later on reminds one of an impatient schoolboy making his scrawls as large as possible in order to finish the task of filling his copy-book as soon as possible.—Comments from the same source as above, pages 40-1.

corner of Maryland, which was, of course, the beginning of the parallel of latitude that had been agreed upon as the boundary between the provinces.

On the 17th day of June, 1765, the party had reached the Susquehanna River, where they received instructions to carry the line "as far as the provinces of Maryland and Pennsylvania are settled and inhabited," and on the 27th day of the following October they reached North Mountain, from the summit of which they could see Alleghany Mountain, and judged it, "by its appearance, to be about fifty miles distant, in the direction of the line."

On the 4th day of June, 1766, they reached the summit of Little Alleghany, but, as the Indians now began to give trouble, it became necessary for the surveyors to stop work for nearly a year.

Sir William Johnson negotiated a treaty with the Six Nations in May, and on the 8th day of June 1767, the surveyors took up their work where they had left off the year before.

"On the 14th. of June, they had advanced as far as the summit of the Big Alleghany (Savage), where they were joined by an escort of Indians, with an interpreter, disputed by the Chiefs of the Six Nations to accompany them," but the Indians soon became restless, dissatisfied and suspicious of so much gazing into the heavens and marking on the ground, so, on the 25th of August, the surveyors' notes tell us: "Mr. John Green, one of the Chiefs of the Mohawk Nation, and his nephew, leave them, in order to return to their own country." This action on the part of the Indians seems to have aroused suspicion among the members of the party, for, on the 29th of September, twenty-six of the assistants left the work through fear of the Shawnees and the Delawares, and Mason and Dixon, with only fifteen axemen left, sent back to Fort Cumberland for more men, and kept on towards the setting sun.

Finally they reached a point two hundred and forty-four miles from the Delaware River, some thirty-six miles from the end of the line, when they came upon

an Indian warpath at Duncard's Creek. Here the Indians of the escort told the surveyors that it was the desire of the Six Nations that they should stop, so the party returned to Philadelphia, reported to the commissioners under the deed of 1760, and were honorably discharged on the 26th day of December, 1767.

By order of the decree of Lord Hardwicke, the line was to be marked by a small mile-stone, every mile, having an M carved in the southern, or Maryland face, and a P in the northern, or Pennsylvania face; and every fifth mile there was to be a larger stone, having carved in the southern face the coat-of-arms of Cecil Calvert, the Second Lord Baltimore, Lord Proprietor of the Province of Maryland, surmounted by the crown of His Majesty, King George the Third, while in the northern face was to be the coat-of-arms of William Penn, Lord Proprietor of the Province of Pennsylvania, surmounted by a similar crown: hence these larger stones came to be known as "crown-stones."

The larger stones were carved in England and shipped to the colonies, and the system of marking ordered by the decree of Lord Hardwicke was carried out as far west as Sideling Hill, but, as all wheel transportation ceased in 1766, the line was marked from there to the summit of the Alleghany by a vista eight yards wide, with piles of stone some eight feet high on the crests of the mountain ranges; and beyond that point, as far as the warpath at Duncard's Creek, the marking was done by posts surrounded by earth and stones to protect them from the weather.

Near the little mountain village of Highfield, Maryland, is one of the very few of these "crown-stones," which is today on the spot where Mason and Dixon planted it, and this one is enclosed in a large and very substantial galvanized iron wire cage. It has been only within the past twelve or fifteen years that a road was cut through the heavier timber for the convenience of the guests of near-by summer hotels. Prior to that time, when a person wished to see this stone, it was

necessary to hunt up one of the native boys, who would guide the curious to it for a consideration of a few "reds," as pennies are known in that section of the country. But now, since this stone is of easy access, many sightseers go there so as to be able to say that they have seen a "crown-stone;" the amateur photographer uses numberless plates and films, others stand astride the line—one foot in Maryland and the other in Pennsylvania—while

substantial cage, as it was so rapidly disappearing. This particular "crown-stone" is of a greenish-gray sandstone, and it is evident that it was originally a shaft about 12x12 and standing some thirty-six inches out of the ground; but, after exposure and harsh treatment for some one hundred and thirty-five years, the weather and vandalism have reduced its size about one-half an inch and the height some three inches.



"CROWN-STONE" ON MASON AND DIXON LINE IN WOODS NEAR HIGHFIELD, MD.
SIZE ABOUT $11\frac{1}{2} \times 11\frac{1}{2}$ IN. AND 33 IN. HIGH.

[Observe faint outline on coat-of-arms of Lord Baltimore carved in the face; crown over arms is lacking.]

still others shake hands across the line and ask "how things are in Pennsylvania;" but, probably, the most numerous class of all, as it finds members in all the other classes, is the heartless relic-hunter, ever ready to chip off a corner, an edge, a piece of the crown, or the part which yields the quickest to the blows of his knife or anything that may come to hand. It was for this reason that it was found necessary to enclose this stone in a

The remaining thirty-six miles of the five degrees of longitude were not run until some fifteen or eighteen years later (1784). As there arose so many disputes as to the proper allegiance of much of the land through the section of country west of Duncard's Creek, on the 31st day of August, 1779, a joint commission, representing the States of Pennsylvania and Virginia, met in Baltimore and agreed to complete the line commenced by Mason

and Dixon, and on the 23d day of the following June (1780) the General Assembly of Virginia resolved, therefore, that the agreement made on the 31st day of August, 1779, between James Madison and Robert Adams, commissioners for the Commonwealth of Virginia, and George Bryan, John Ewing, and David Rittenhouse, commissioners for the Commonwealth of Pennsylvania, be ratified and finally confirmed, to-wit: "That the line commonly called the Mason and Dixon line be extended due west five degrees of longitude, to be computed from the Delaware River, for the southern boundary of Pennsylvania," * * * * * on condition that all personal and property rights be respected by whichever State the inhabitants might happen to be made citizens of, just as though they had not changed allegiance.* And it was resolved, furthermore, "that the Governor should appoint two commissioners to extend, run and mark that line from the western termination thereof to the Ohio River, which is as far as the General Assembly conceive it can be done at present without giving umbrage to the Indians,"* and on the 23d day of September the General Assembly of Pennsylvania likewise ratified the action on the part of its commissioners.

Under this agreement a temporary line was run in 1782-'3, but the permanent boundary between the two States was not finally established until the following year.

As the line had been definitely fixed, no one thought of it, but the forces of Nature were at work busy making trouble for the bordering States. The stone marking the northeast corner of Maryland was undermined by a brook and fell out of its proper place, so some thrifty farmer, probably ignorant of its importance and thinking it a fortunate find, built it into the chimney of his house.†

When the matter was found out the legislatures of Maryland, Pennsylvania and Delaware, in 1845, † appointed a joint commission, of which Lieut.-Col. James D. Graham, U. S. Topographical Engineer, had charge, to review the work of

Mason and Dixon wherever it might be deemed necessary.

So it was that about the middle of the century, it was necessary to again determine the circle about Newcastle, re-locate the tangent point and the point of intersection, and to run the meridian and a part of the parallel of latitude in order to determine the exact spot on which the original stone had stood; and once found, the new stone was permanently set.§

This re-survey in every way confirmed the work done by Mason and Dixon, except that the tangent point had been placed 157.6 feet too far north, and the point of intersection 143.7 feet too far to the south.|| And an error in tracing the circle, which was corrected, made the State of Maryland the richer by one and eighty-seven hundredths acres than she had previously been.||

As so many of the old stones had been removed from their proper places and were badly defaced as the result of years of service as doorsteps and for other such alien purposes, the rock-heaps having fallen away and the posts having rotted, it became a matter of no little difficulty to locate the exact line at different points: so it was that the Governor of Pennsylvania approved an Act on May 19th, 1887, which provided that the county commissioners be charged with the care and preservation of the State boundary-line monuments, and that they should enforce the acts for the preservation of monuments and landmarks in so far as those acts referred to the boundary-line monuments and prosecute any person who removed or defaced them: these commissioners to make an annual inspection of such boundary-line monuments as bordered upon their respective counties and report in detail to the Department of Internal Affairs.¶

This was the first of the more recent steps taken to preserve this historic line, but an act passed by the General Assem-

*Journal of House of Delegates, May, 1780, pp. 60-1.

†Graham's Report, p. 44.

‡Resolution of December Session, 1845. No. 18.

§Graham's Report, p. 79 et seq.

||Latrobe's Address on Mason and Dixon Line.

¶Pennsylvania Acts of Assembly, 1887, No. 78.

bly of Delaware, on the 25th of April, 1889, tells us that, in view of the fact that the boundary-line between the State of Delaware and the Commonwealth of Pennsylvania had become so uncertain by reason of the destruction, removal, or mutilation of monuments on the said line,

Resolved, That Hon. Thomas F. Bayard, Hon. B. L. Lewis, and Hon. John H. Hoffecker, are appointed Commissioners on the part of the State of Delaware to act in conjunction with a similar commission from the Commonwealth of Pennsylvania to examine, survey, and re-establish the boundary-line which separates the two States; and then appropriated the sum of \$2,000 to be used to mark the line with enduring monuments, after the commission had re-established and re-located it.*

Only the following month (May 4th, 1889) we find an act of the Pennsylvania Legislature, which says that, "whereas, the report of the county commissioners on the condition of the boundary-line monuments, made pursuant to the act of 1887, shows that that portion of the line known as the circle of New Castle, which separates this Commonwealth from the State of Delaware, is unmarked, and has not been surveyed for upwards of one hundred years, leaving its location so uncertain as to make it impossible to determine in which State a large amount of property is situated, and the report shows that many of the monuments that were set in the Mason and Dixon line have been mutilated, destroyed or removed from their proper location,"† it was resolved that the Governor should appoint a commission of three competent persons to act with the already appointed Commission of the State of Delaware, and made an appropriation of \$2,000 to mark the line with enduring monuments, besides providing for an annual appropriation to carry on this work until June, 1891.‡

Several years later (April 4th, 1891), Delaware made an additional appropriation of \$2,500 to meet the expenses of her Commission,§ and the General Assembly of 1893 made it a misdemeanor for any person to wilfully deface, mutilate,

damage, displace, or remove any stone or monument fixed by the authority of the State: the punishment to be a fine of not more than \$1,000 and imprisonment for a term of not more than one year; one-half the fine to go to the informant.¶

At the 1895 session of the Pennsylvania Legislature, the act of May, 1887, was repealed, but that same session made an appropriation of \$2,000 to carry out the provisions of the act of 1889, ordering the marking of the boundary-lines between Pennsylvania and the adjoining States,¶ and an act of June 23d 1897, accepted, approved and confirmed, for the State of Pennsylvania, the report of the work accomplished by the commissioners, appointed under the act of 1889, and declared the line established by that commission to be the true boundary between the States of Pennsylvania and Delaware. °

In the 13th day of May, 1899, the State of Pennsylvania passed an act appropriating the sum of \$7,000 for services and expenses to be incurred in the examination and repairs to the boundary-line monuments, as ordered by the act of May, 1889: provided that \$5,000 of the amount be not available unless the State of Maryland make an appropriation of a similar amount for the purpose of examining, repairing, and restoring the boundary-line monuments along the Mason and Dixon Line, and re-establishing the said line, when found necessary.**

The following year the General Assembly of Maryland, on the 12th day of April, 1900, appropriated "to the commissioners on behalf of the State of Maryland, to re-establish the boundary-line between the States of Pennsylvania and Maryland, the sum of \$5,000 to be paid upon vouchers of the commissioner on behalf of the State of Maryland, appointed by the Governor to co-operate with the commissioner

*Delaware Acts of Assembly, 1889, Part No. 2, Chap. 448.

†Pennsylvania Acts of Assembly, 1889, No. 27.

‡*Ibid.*

§Delaware Acts of Assembly, 1891, Part 1, Chap. 5.

¶*Ibid.*, 1895, Part 1, Chap. 448.

°Pennsylvania Acts of Assembly, 1895, No. 89, and No. 447, p. 552.

¶*Ibid.*, 1897 Chap. 152.

**Pennsylvania Acts of Assembly, 1899, No. 208, p. 369.

appointed on behalf of the Commonwealth of Pennsylvania and the Superintendent of the United States Geodetic and Coast Survey to re-establish the said line."*

Pursuant to the above acts and appropriations, the Governor of Pennsylvania appointed General J. W. Latta, Secretary of Internal Affairs, to be Commissioner on behalf of the "Keystone" State, while the Chief Executive of Maryland appointed Professor William Bulloch Clark, State Geologist of Maryland, to be Commissioner on the part of that Commonwealth, and the Superintendent of the United States Geodetic and Coast Survey deputized Assistant W. C. Hodgkins, as the surveyor in charge of the work.

These appointments were made in the year 1900, the engineer being detailed

without charge to the two States, and the respective appropriations being used to meet the expenses of the subordinates necessary to carry out the work, and to the purchase and setting of whatever monuments may be necessary. Hence it is that the general government incurs no expense, except for the salary of the engineer in charge of the party.

The actual field work for this re-habilitation was begun in October, 1900, but, on account of the severe weather, the operations were suspended, to be resumed when the spring set in.

The work done up to the time of the suspension of field operations was of a preliminary nature almost entirely, but it is hoped that the work will be completed during the engineering season of 1902.

*Maryland Acts of Assembly, 1900, Chap. 745, p. 1,185.