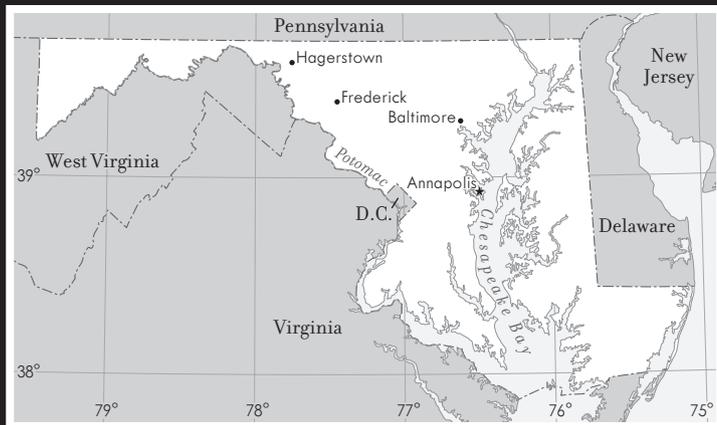


MARYLAND



How did it happen that Maryland is almost broken in two? And that right-angled piece missing from its eastern edge—which is the state of Delaware—was Delaware really necessary? Who sliced off the southern end of Maryland's eastern edge? And why didn't they slice it straight? And why are Maryland's straight-line borders located where they are?

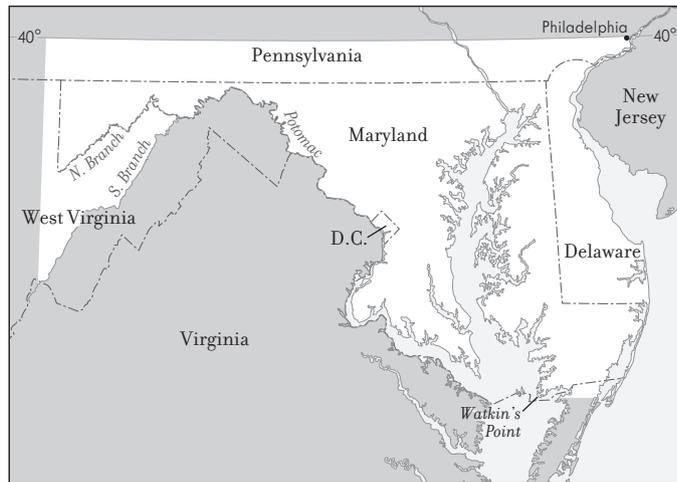


FIG. 86 Maryland (According to Maryland)—1632

Maryland was created by a royal charter issued in 1632 by King Charles I. The king, a Catholic, created Maryland to provide a place in the New World for England's Catholics. But this act, while full of good intentions, was also full of bad geography. Those errors led to a long history of border disputes between Maryland and every one of its neighbors. (Figure 86)

Maryland's Northern and Eastern Borders

According to its charter, Maryland's northern border was an east-west line located at 40° N latitude. Unfortunately, 40° N latitude turned out to be right in the middle of Philadelphia. Pennsylvania sought to have this line relocated, but its negotiations with Maryland became bogged down with another dispute between the two colonies, over, strange as it may seem, Delaware.

Delaware emerged some forty years after the creation of Maryland, when England finally succeeded in ousting the Dutch from North America. The southernmost realm of the Dutch had been the area around the Delaware Bay, which empties into the Atlantic Ocean at Cape Henlopen.

(See Figure 114, in NEW JERSEY.) This entire region was within the boundaries of Maryland's charter. But the Dutch (which is to say, Protestant) inhabitants of these settlements feared what life for them might be under the rule of Maryland's Catholics.

For its part, Pennsylvania sought to acquire this newly won region, since without it Pennsylvania would be at the mercy of Maryland for access to the sea via the Delaware Bay. And Pennsylvania's fears were heightened by the fact that its relations with Maryland were less than friendly, due to the inconvenient location of Maryland's northern border passing through the middle of Philadelphia.

In 1682, Maryland was denied possession of Delaware when the monarchy decided to rent it Pennsylvania. In the documents that were, in effect, a lease, Delaware was defined as consisting of the land within a 12-mile radius of the church at New Castle and all the land south of that circle as far as Cape Henlopen.

But Maryland did not believe that a lease agreement overrode a royal charter. Consequently, it took its case to the king, who promptly passed it to his Committee for Trade and Plantations. In 1685, the Committee ruled that Delaware was, in fact, a separate jurisdiction, since the area granted to Maryland was only intended to include land *uncultivated by Christians*. This may sound like a loophole to get the king off the hook, but, in fact, the second paragraph of Maryland's charter states that this land was being granted to start a colony "in a country hitherto uncultivated, in the parts of America, and partly occupied by Savages, having no knowledge of the Divine Being." Nasty words by today's standards, but it did the trick. Maryland's borders no longer encompassed Delaware.

"For avoiding further difference," the Committee proposed a formula for equally dividing the area between the ocean and the Chesapeake Bay, north of the latitude of Cape Henlopen. Unfortunately, this formula, like the charter that preceded it, was filled with errors. It wrongly assumed that the Chesapeake Bay extended to the 40th parallel, and its parameters resulted in a dividing line that sliced into the 12-mile radius at Delaware's northern end. (See Figure 47 and more details in DELAWARE.)

For the next century, Maryland's eastern border would remain dis-

puted ground. Amid what appeared to be a stalemate, however, certain elements of what ultimately became Maryland's eastern and northern border did begin to emerge. In 1732, Maryland's colonial governor, Lord Baltimore, was in London, yet again negotiating the colony's boundaries. This time, however, he found his adversaries surprisingly willing to negotiate. Pennsylvania, representing Delaware, accepted Lord Baltimore's proposed eastern border, and in return, Lord Baltimore agreed to Pennsylvania's proposal that Maryland's northern border be relocated 15 miles south of South Street in Philadelphia. Only later did Lord Baltimore learn that the reason he'd succeeded was that his map *mistakenly located Cape Henlopen!* On his erroneous map, Fenwick Island, nearly 25 miles to the south, was identified as Cape Henlopen. (Figure 87)

Upon discovering the error, Lord Baltimore demanded that the border be negotiated again. Pennsylvania said no. The short-term effect was

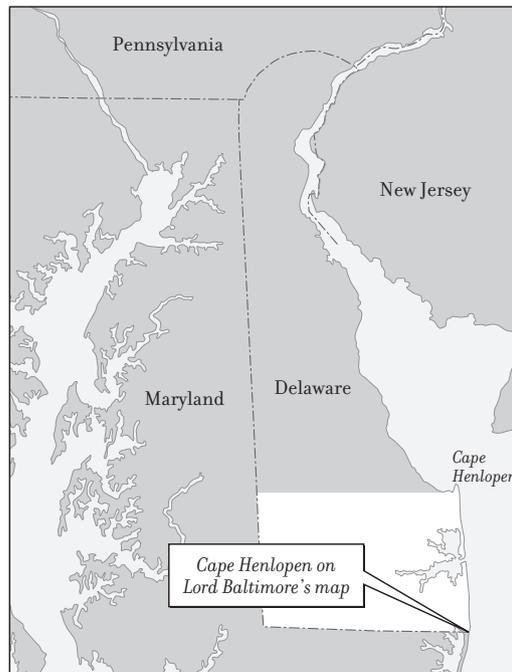


FIG. 87 The Eastern Border of Maryland—Impact of a Bad Map

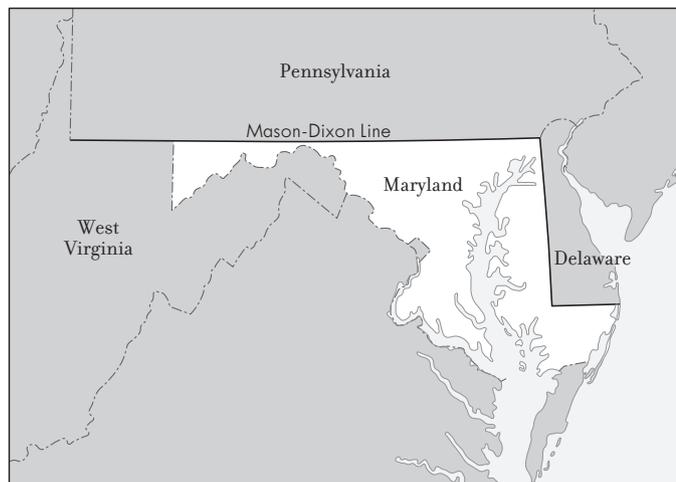


FIG. 88 The Mason-Dixon Line—Border of Four States

that the dispute continued to drag on. The long-term effect was that Fenwick Island became, and remains, the southern border of Delaware. Likewise, Maryland's northern border has remained a line 15 miles below South Street, Philadelphia. For the next thirty years, Maryland protested what it believed to be two manifestly unfair consequences of an erroneous map. Finally, in 1763, Maryland relented, joining with Pennsylvania to commission two of England's most esteemed scientists to survey their border: Charles Mason and Jeremiah Dixon. (Figure 88)

Maryland's Southern and Western Borders

At the time of its creation, Maryland had no southern border opposite West Virginia, as it does today, since West Virginia was then part of Virginia. And Maryland's border with Virginia, primarily the Potomac River, would certainly appear to be pretty cut-and-dried. And yet, the Maryland/Virginia border had been a source of contention dating back to *before* the issuance of Maryland's charter!

The original boundary Charles I envisioned for Maryland would not have chopped off the land that stretches southward between the Ches-

peake Bay and the Atlantic Ocean. When Virginia learned of the king's intent, it protested. Members of the Virginia Colony had already migrated from its foundations along the James River across the Chesapeake, where they'd established plantations. These lands, after all, were originally part of the Virginia Colony. But if these Virginians (which is to say, Protestants) were now to be within the jurisdiction of Maryland (which is to say, Catholics), what sort of treatment could they expect? Rather than foster discord, Charles I amended his plan, calling for the boundary to divide the southern portion of the peninsula with a line from Watkin's Point due east to the ocean.

But the line the king described in Maryland's charter is not the line that exists today, because once again of a number of errors. Watkin's Point, for starters, no longer existed, having already eroded away. The local men chosen to survey the line in 1666 attempted to figure where Watkin's Point had been, but, it was later discovered, they figured wrong. In addition, they veered to the north as they marked off what was supposed to be a line due east. (Figure 89)

Maryland demanded that the line be redone. But its protest was drowned out by louder protests that dominated the era, regarding the need to unite to fight the French and Indian War. Afterward, Maryland

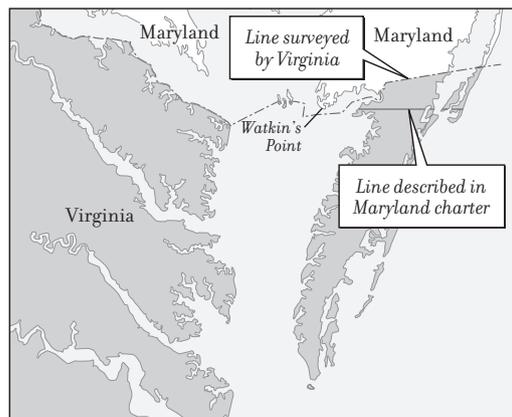


FIG. 89 Maryland's Southern Border on the Eastern Shore Peninsula

protested again but was again drowned out, this time by cries for unity to fight the Revolution, then to create the United States, then to fight the War of 1812 . . . Not until 1877 did the federal government appoint a special commission to consider the matter. By this time, the region was populated with farms whose property lines were aligned with their respective state lines. Consequently the commission ruled that the erroneous line should stand, since it had functioned for so many years.

The Potomac River, too, has caused more conflict than one might expect. In this case, the problem stemmed from the fact that, at the time Maryland's charter was issued, no one knew exactly where the western reaches of the Potomac were. One near disaster regarding this border was only narrowly (*literally* narrowly) averted when the mishap-prone Lord Baltimore agreed to a northern border 15 miles south of Philadelphia. The point in western Maryland where the state almost breaks in two is the result of the Potomac flowing in a northerly arc that nearly touches that relocated border.

Farther to the west, the Potomac divides into northern and southern branches. In marking its boundary, Maryland followed the South Branch of the Potomac, since it is the larger of the two branches. But Virginia claimed that the North Branch of the Potomac was the intended southern boundary of Maryland. (Figure 90)

Maryland protested Virginia's claim, but Virginia, being the older colony, had already issued titles to land in the disputed region. Since the king opted not to intervene, there was little that Maryland could do. When West Virginia became a state in 1863 and its boundaries needed to be approved, Maryland again raised the issue regarding the appropriate branch of the Potomac. The same commission that ruled against Maryland's Eastern Shore border claims also ruled that the North Branch of the Potomac had long been the accepted border and therefore would remain the border. Maryland pressed its claim further, culminating in a 1910 Supreme Court decision, again affirming the North Branch of the Potomac as the official, if incorrect, border of Maryland. With the resolution of Maryland's southern border in 1910, Maryland's *western* border was then officially established, that being a line due north from the

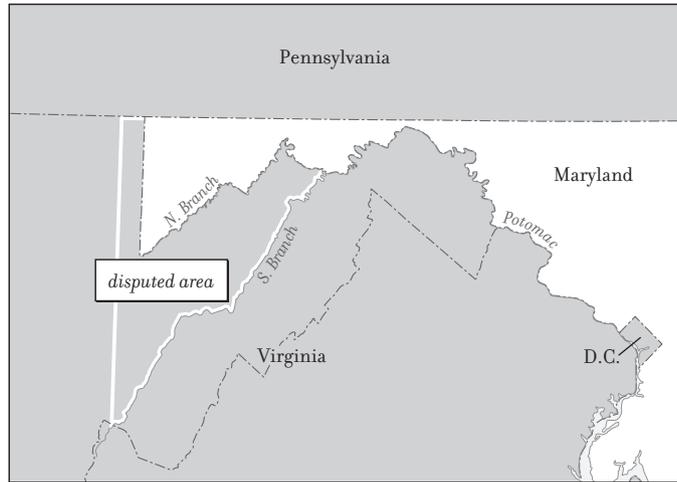


FIG. 90 Maryland/Virginia—Western Boundary Dispute

headwaters the Potomac (northern branch) to its boundary with Pennsylvania.

Each of the borders stipulated in Maryland's 1632 charter turned out to have been in error. One might say that Maryland is the shape of human error. But the irregularities of its border also contain another important fact. In the wake of so many mistakes and defeats, Maryland has survived and even thrived.