

SCHWARTZ *Report*

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Summer 2024

WHEN PENNSYLVANIA FOUGHT MARYLAND FOR DELAWARE

Readers of recent issues will recall that I have a certain fascination with the Mason-Dixon Line. I have written about its history and iconic markers; its transition into our everyday reference as a border between north and south, and its use as the defining line between free and slave-holding states prior to the Civil War. I was struck by Professor Edward G. Gray's introductory statement in *Mason-Dixon Crucible of the Nation*: "The United States is a product of border dynamics—not just at international frontiers but at the boundary that runs through its first heartland." Until now, I had referenced older local sources such as Walter A. Powell's *A History of Delaware* and several newspaper articles, that briefly mentioned the line as the border between Delaware, Maryland, and Pennsylvania.

What piqued my interest about Mr. Gray's vastly expanded treatment was his inclusion of the early history of why the line needed to be drawn in the first place. Its purpose was to separate the proprietorships of Maryland and Pennsylvania and the competing grants to the Calvert and Penn families given to them by succeeding Kings of England. These grants gave conflicting rights to all or part of the same lands to each family interest at different times. That's quite a title problem; what a local attorney friend characterizes as a "title train wreck." As Mr. Gray points out, both Maryland and Pennsylvania were founded by "prominent English families with dissenting religious views" and "both were commercial ventures at their core." Both families included Delaware in their fiefdoms: one out of a sense of entitlement and the other out of sheer geographic need.

As indicated on the nearby illustration, the original northern boundary of Cecil Calvert, the second Lord Baltimore's grant given by King Charles I in 1632, was to be at the 40th parallel north latitude, which actually put its line on the Delaware River above Philadelphia. This grant not only represented Charles' wish to reward a court favorite, but also served the larger territorial goal of keeping the Dutch settlers of New Netherlands from encroaching further into the lower Delaware Valley. The charter for Pennsylvania granted by King Charles II in March 1681, while not as



sweeping as the powers granted earlier to the Lords Baltimore, gave the Penn family control over the land of what would become Pennsylvania. This meant they could transfer ownership within it, rent it, and tax it. The catch in the 1681 charter was that it did not include the lower three counties on the Delaware, which continued to be considered part of New York. This was more than a mere technicality because if the lower three were not possessed by the Penn interests, Pennsylvania's most prosperous city—Philadelphia, would be effectively land-locked. Painfully aware of this geopolitical fact, William Penn lobbied for control of the lower three counties on the Delaware, which Penn and

Lord Baltimore came increasingly to refer to as Delaware.

To put this all in perspective, please allow a historical compression; I herewith apologize to Messrs. Powell and Gray for doing so. Remember, Dutch interests had "purchased" Manhattan Island from the Munsee Indians in 1626. The Dutch, who controlled New Netherlands (which included New Amsterdam [soon to become New York] down to New Amstel [New Castle] and Whorekill*), lost it to the English in 1664 in one of the many Anglo-Dutch conflicts. New Amsterdam was renamed New York in honor of King Charles II's brother, the Duke of York. In 1672, Dutch forces briefly regained control of New Netherlands until it was returned to England in 1674 by a peace treaty. At this point, the Duke of York was re-granted his New York patent, which again did not include the lower three counties on the Delaware. The Duke was, however, charged with administering them and he reestablished courts there to do so.

Now back to William Penn's lobbying. After haggling for control of the lower three counties, Penn persuaded the Duke to deed them to him—a privilege which the Duke's patent did not allow, but Lord Baltimore's did. As Mr. Gray explains, the precise legal nature of this transfer has never been clearly established. Four documents signed by the Duke or his agents and William Penn are cited: the first granted freehold ownership of the town of New Castle, the second granted title to the lands along the Delaware River between New Castle and Cape Henlopen. The remaining two were leases of 10,000 years each for the three counties.

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The theory being, according to Mr. Gray's interpretation, that should a future court ruling go against the Duke's right to deed territory, it might accept the validity of leases from the person charged with administration there.

All of this maneuvering would bring with it the seeds of conflict with the Lords Baltimore, the Native American nations of the Delaware and Susquehanna Valleys, and those settlers living in the disputed territories**. Those who settled along the disputed lines lived without a clear understanding of whose proprietorship they resided under (or none at all). The thought was that it might be cheaper or safer to be governed by the Lords Penn than the Lords Baltimore or neither one. This inherent conflict would break out on numerous occasions into open warfare.** As Mr. Gray puts it: "For much of [the century], the border lands adjoining the line were among the most war-soaked and violent areas in the British colonial world."

*Dutch captain Robert De Vries, who founded the original settlement at what is today Lewes, named the little river or creek at Swanendael Hornkill, giving it the name of his native town in Holland. That name according to Walter Powell became corrupted to "Whorekill" and thereafter was used by locals to identify an area encompassing much of present eastern Sussex County.

**One such attack took place in 1672 when Captain Thomas Jones led a Worcester County militia into Whorekill. That incursion and subjugation resulted in loss of life and property and ended with a demand by the captain for oaths of allegiance to the second Lord Baltimore.



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