

**FUND PUBLICATION, NO. 29; REPORT
OF THE COMMITTEE ON THE WESTERN
BOUNDARY OF MARYLAND: A PAPER
READ THE MARYLAND HISTORICAL
SOCIETY, DESEMBER 9TH, 1889**

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REPORT OF THE COMMITTEE
ON THE
WESTERN BOUNDARY OF MARYLAND.



A Paper read before the Maryland Historical Society,

December 9th, 1889.

Baltimore, 1890.

REPORT.

THE original boundaries of the Province of Maryland were laid down with unwonted precision in the charter which created it. These were: the fortieth parallel of north latitude; a meridian line running south to the first or most distant fountain of the Potomac — (“ad verum meridianum primi fontis fluminis de Patowomack”) thence proceeding southward (“deinde vergendo versus meridiem”) to the farther or western bank of that river, and following that bank to a specified point at the mouth of the river where it debouches into the Chesapeake; thence by a straight line across the bay to Watkins Point and onward to the ocean, and thence by the ocean and Delaware bay and river to the fortieth parallel.

Md. Charter
in
Md. Arch.
Council,
1634-67.
Appendix
A.

The only one of these courses that was at all uncertain at the time the charter was granted, was that at the extreme west. The country to the west of the Alleghanies was then altogether unknown.

Indeed, for many years the geography of the continent was so little understood, that Herman, in his map (1670), considers the mountains about Cumberland to be the central ridge between the two oceans. The point at which the meridian line was to begin had, therefore, to remain undetermined until it should be found which was the furthest source or first fountain of the Potomac: in other words, which of the branches of that river took its rise farthest from its mouth. This point settled, the spring-head or source of that branch determined the western boundary of Maryland.

In 1649, Charles II, then a fugitive in Holland, granted to Lord Hopton, Sir Thomas Culpeper, and other exiled royalists, a tract of land in Virginia, lying between the rivers Rappahannock and Potomac, and running down to the Chesapeake Bay. Under the commonwealth, this remained, of course, a mere grant on paper; but after the restoration the grantees, or rather their heirs and assigns, proposed to avail themselves of their rights. Certain questions having been raised as to the validity of the original grant, these claimants surrendered their patent, and in 1669 received a re-grant, under the privy seal, of the lands in question. This grant, however, conveyed only a title to the soil, which still remained a part of Virginia, and subject to her

Boundary
Com. Rep.
85.

Md. Acts,
1832.
Res. 128.

jurisdiction. It was not an enlargement of the territory of Virginia, but a grant within Virginia, and necessarily limited by the boundaries of that colony.

The Virginians were violently opposed to this grant, which placed the ownership of a vast extent of territory within two or three hands; and in 1675 they sent agents to England to remonstrate against it, or, if remonstrance were unavailing, to buy out the grantees' claims; but without success in either case.

McMahon,
Hist. Md.,
p. 50.

By the year 1688 the whole title had vested in Thomas, Lord Culpeper; and James II granted him a new patent for the whole tract. This descended to Catharine, his daughter and heiress, who brought it in marriage to Thomas, fifth Baron Fairfax of Cameron, in the Scottish peerage. Lord Fairfax proposed to reap some advantage from his immense territorial possessions, which were still unsurveyed; and in 1733 petitioned the King for the determination of his boundaries by commissioners. The petition was granted, and six commissioners were appointed, three representing Virginia, and three the Crown, who determined the boundaries separating his grant from the rest of Virginia. The grants had all called for lands lying south of the Potomac river; and consequently there was nothing in them interfering with the

Va. Acts,
1736.

rights of Maryland. For this reason, probably, Charles, Lord Baltimore, made no attempt to have Maryland represented on the Commission. But when the question arose, which was the Potomac river, or which of the two great branches which unite to form it was the longer, the commissioners (in 1736) concluded that the North Branch was the longer; Maryland, whose territory was at stake, having no voice in the matter.

In 1745, Thomas, sixth Baron Fairfax, came to America; and on October 17, in the following year, surveyors engaged to run the line in conformity with the report of the commissioners, planted "the Fairfax Stone" to mark the northwestern limit of his grant. In 1748 the Virginia Assembly approved the line run by the commissioners, it was confirmed by the King in Council, and Fairfax opened an office for the sale of lands.

News of these proceedings reached Frederick, Lord Baltimore, and in his first letter of instructions (1753) to his new governor, Horatio Sharpe, he protests against this invasion of his territory, and directs the Governor to look into the matter, and to open correspondence with Lord Fairfax with a view to a settlement of boundaries between them.

Md.
Archives.
(MS.)
Lib. J. R.,
U. S., p. 11.
See Appen-
dix B.

Dinwiddie
Papers, II,
351.

Ibid., I, 19.
Faulkner's
Report

When these instructions were laid before the Maryland Council, they proceeded to inform themselves about the lands in question and the length of the rivers. They called before them Col. Thomas Cresap, a settler in the extreme west of the Province, who knew the country well; and he assured them that the South was the longer branch, running, as he believed, about sixty miles northwest farther than the North Branch. Ibid., p. 13.

Sharpe also wrote to Fairfax, calling his attention to the fact that the South Branch, according to the best information, was the true source of the Potomac, and proposing that they should unite in determining the correct boundary. Fairfax replied that he was of opinion that it would be to his advantage to have the South rather than the North Branch as his boundary; but that he thought the two governors were the proper persons to settle the question. He apparently believed that what he should gain by the extension of his territory to the west would more than offset what he should lose between the two branches. Colonel Cresap, in the next year, made a survey of both branches, and sent Governor Sharpe a map of his drawing, in which their position and length are pretty accurately laid down. A copy of this map is appended to this report. Md. Arch. Sharpe Correspondence, I, 6, 7. See Appendix C.

Sharpe, Corr. I, 72. Appendix D.

Sharpe, it is evident, was prepared to take all necessary steps for asserting and securing the rights of Maryland; but the outbreak of the French and Indian war in the next year (1754)

prevented further action. We find him writing to the Proprietary in 1756 that "no survey can be safely made within eighty miles of the South Branch by less than a body of 100 or 200 men."

Sharpe,
Corr.,
I, 462.

In 1762 Colonel Cresap wrote in person to the Proprietary confirming his previous statements and adding particulars.

Md. Arch-
ives. MS.
Calvert
Pap'rs.

The treaty of Paris, in 1763, which closed the war, gave an opportunity for a final settlement of the question; but the King, finding it necessary to adjust the boundaries of his colonial possessions, and to carry out his agreement with the Indians,

issued a proclamation prohibiting the colonial governments from granting any lands lying west of the heads of rivers flowing into the Atlantic from the west and north-west. About the same time the Proprietary conceived the idea of reserving for himself a manor of 10,000 acres in the western part of the Province, and sent out orders that no lands beyond Cumberland were to be granted to settlers until this manor was laid off. These causes combined to prevent settlements in the extreme west of Mary-

Md. Arch.
MS.
Lib. J. R. &
C. S.,
p. 379-80.
Appendix
E.