

# MASON-DIXON

MASON



DIXON

CRUCIBLE OF THE NATION

..... EDWARD G. GRAY .....



Harvard University Press

*Cambridge, Massachusetts & London, England 2023*

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Printed in the United States of America

First printing

*Library of Congress Cataloging-in-Publication Data*

Names: Gray, Edward G., 1964– author.

Title: Mason-Dixon : crucible of the nation / Edward G. Gray.

Description: Cambridge, Massachusetts : Harvard University Press, 2023. |

Includes bibliographical references and index.

Identifiers: LCCN 2022059423 | ISBN 9780674987616 (cloth)

Subjects: LCSH: Borderlands—Northeastern States—History—19th century. |

Borderlands—Southern States—History—19th century. | Slavery—United

States—History—19th century. | Mason-Dixon Line—History.

Classification: LCC F157.B7 G73 2023 | DDC 975 / .03—dc23/eng/20230118

LC record available at <https://lcn.loc.gov/2022059423>

*For Norman Fiering and Gordon S. Wood*

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What satire on government can equal the severity of  
censure conveyed in the word politic, which now for  
ages has signified cunning, intimating that the state is  
a trick?

—Ralph Waldo Emerson, “Politics”

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# MASON-DIXON



# Introduction

THIS BOOK TELLS THE STORY of a geopolitical boundary. That boundary marked the jurisdictional and territorial limits of the colonies—which would become the states—of Maryland, Pennsylvania, and Delaware, and it still bears the name of the two English astronomers, Charles Mason and Jeremiah Dixon, who worked between 1763 and 1767 to establish its definitive location.

Nestled in pastoral suburbs and gently rolling mid-Atlantic farmlands, the original Mason-Dixon Line and its innocuous stone markers, many first placed by Mason and Dixon, hardly suggest a boundary, let alone a border once as fraught as some of the world's most contested international borders. As you pass east along I-95, from Maryland into Delaware, or south from Chambersburg, along I-81 toward Hagerstown, there is barely a sense of border crossing at all. Signs bear the laconic welcome of state governors, rest stops have a few extra displays of tourist brochures, or there is a state-line liquor store—little else marks one's transit across the Line.

And yet, through the feverish middle decades of the nineteenth century, the Mason-Dixon Line, much like so many other territorial demarcations, became a locus of tension and conflict and a source of many of the very same kinds of anxieties and failed, futile policies that modern borders have produced

in our own day. The most contentious such policies were those established under the Fugitive Slave Act of 1850, a law designed to weaken northern states' powers to stop the kidnapping and rendition of runaway slaves by giving the federal government primary jurisdiction in fugitive slave cases. Individual states could no longer determine the terms by which southerners reclaimed slave property. And with a federal government beholden to southern slaveholding interests, the liberty of self-manumitted former slaves was in true legal jeopardy everywhere in the continental United States.

As has happened in other border regions when distant authorities attempt to assert control, after 1850, the borderlands adjoining the Mason-Dixon Line witnessed a surge of vigilantism and violence.<sup>1</sup> In one notable instance, on September 11, 1851, the Maryland slave owner Edward Gorsuch and a group of slave catchers who had crossed into Pennsylvania entered the small border town of Christiana. They had come to retrieve a group of runaways and carry them back to a life of slavery. Gorsuch and his party were met by a large group of locals, outraged that one of their own—William Parker, an African American farmworker and self-manumitted slave—had been targeted for harboring fugitives. In the ensuing melee, Gorsuch was killed and another member of his party seriously injured.

Authorities referred to the incidents at Christiana as a riot, deserving of the American equivalent of the old English Riot Act, established in the early eighteenth century and giving magistrates the right to disperse or punish threatening mobs. One hundred forty-one alleged rioters were arrested, and thirty-nine were charged with treason against the United States. Although the government's case fell apart, the crisis at Christiana marked a new chapter in the history of the Line. Much like undocumented immigrants in our own day, African Americans north of the Line lived with the mortal fear of a species of deportation. As the federal government increased police activity north of the Line, enslaved African Americans to the south saw hopes for freedom within the United States dim as well. In response, a decades-old network of African Americans and white abolitionists now known as the Underground Railroad redoubled its efforts to take enslaved African Americans across the Line and, eventually, to safety in Canada.

In 1854, Maryland antislavery activist, lawyer, and historian John H. B. Latrobe, son of the celebrated neoclassical architect Benjamin Henry Latrobe, observed that the Mason-Dixon Line "was always expressive of the fact that the states of the union were divided into slaveholding and non-

slaveholding—into Northern and Southern; and that those, who lived on opposite sides of the line of separation, were antagonistic in opinion upon an all engrossing question, whose solution . . . had been supposed to threaten the integrity of the republic.” In Latrobe’s mind, the survival of the world’s most admired democratic republic would depend on whether it could alter what the Mason-Dixon Line had become—a border between North and South, slave states and free states. The border had lost any real significance as a boundary between specific states. “Men cared little,” Latrobe explained, “where it ran or what was its history—or whether it was limited to Pennsylvania, or extended, as has, perhaps, most generally been supposed, from the Atlantic to the Pacific.” Now “it suggested the idea of negro slavery; and that, alone, was enough to give it importance and notoriety.”<sup>2</sup>

Latrobe’s assessment echoes through the historical record to the present day. But as he recognized, it represented only part of the Line’s story. As much a metaphor for a United States divided by the issue of slavery, the Line was a geopolitical border whose origins far predated the nineteenth-century fugitive slave crisis. Latrobe’s insight frames my own interpretation of the Line’s history. America’s age-old reputation as a nation whose history has been driven by the defiance of boundaries and borders rests on deep historical amnesia. From very early in its history, the United States has been defined by borders and boundaries and all the tangled political struggles they reflect.<sup>3</sup>

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Because my story is mostly one of government and politics, its central characters are agents of governance. English colonial proprietors and their various court patrons; Native American diplomats and traders; colonial governors, justices of the peace, tax collectors, and other officials—these are the primary actors in the first two parts of the book. The second two shift emphasis.

In 1780, the new republic of Pennsylvania enacted the world’s first statutory act for the gradual abolition of slavery. From this point, in addition to a boundary between American states, the Line became a boundary between slave states and a free state. What that legal change meant for the borderlands adjoining the Line, and how it transformed a boundary between colonies into something resembling a border between slave states and an antislavery state—that is the story of the book’s second half. As much a story

of age-old policy struggles and jurisdictional confusion, this part of the book is also the story of a captive labor system and a federal republic whose legal treatment of that system varied widely from state to state. At the center of that story are slavery's opponents, Black and white Americans whose efforts had a profound impact on the legal and political regimes that had long sustained the institution of chattel slavery. But their impact on the Line itself, on the political and legal culture of the counties and towns adjoining the Line, would be much more incremental. As I explain in Part III, the gradual abolition of slavery had very little impact on the peoples of the Maryland-Pennsylvania borderlands. Of far greater consequence was the movement of goods from the borderlands to markets, mostly in the young boomtown of Baltimore. Only in the 1850s did the work of abolitionists and hundreds of African American fugitives from slavery take hold and transform the region adjoining the Line into one divided over the institution of slavery. That division, covered in the book's concluding two chapters, produced unlikely political alignments that explain why the states of Maryland and Delaware became so-called border states, or slave states that never seceded from the Union.

Among the challenges of structuring the story of the Mason-Dixon Line has been a subject that lies at the center of my career: the American Revolution. This familiar series of events figures prominently in the Line's story, but less as a profound historical rupture than as a period of political realignment—realignment that afforded Pennsylvania's radical statutory enactment of gradual abolition. Beyond this act, and its limited reverberations in the slave states adjoining the Line, the Revolution does not figure prominently. Of greater significance in the Line's history are events that precede the Revolutionary War.<sup>4</sup>

For much of the eighteenth century, the borderlands adjoining what would become the Line were among the most war-racked and violent areas in the British colonial world. The politics of war and security, far more than independence from Great Britain and the forging of America's federal republic, would reverberate through the region to the Civil War era. As I tell it, the story of the Line is really a story of Americans and their relationship to government. That relationship was frequently a profoundly antagonistic one. But that antagonism, an eighteenth-century variety, bore very little resemblance to the familiar modern hostility to the federal government.

There is very little evidence that the peoples of the borderlands were animated by anything like an ideological or libertarian antagonism toward

government. If anything, the opposite was the case: insofar as they were unified by politics, it was a politics of disappointment and aggrievement. The white, property-owning men who dominated the region's electoral politics demanded, over and over, more government. For most of the eighteenth century, those demands centered on security, as settlers and homesteaders fought Native peoples and rival colonizers for possession of land. In the latter decades of the eighteenth century and the early decades of the nineteenth, those demands centered on the closely aligned matters of internal improvements and tax relief.

That the demands of borderlands voters rarely translated into coherent government policy was symptomatic of another perennial problem: the eastward emphasis of state politics. This was more so in Pennsylvania than in the other states adjoining the Line, but as by far the largest of those states, Pennsylvania exerted a disproportionate influence over the politics and economy of the borderlands. As eastern Pennsylvanians and their financial supporters pushed for control of the produce of America's countryside, the farmers and producers of the borderlands lost. This perception, driven by the divisive commercial politics of the region, would draw together the commercial basin between the Susquehanna River and the Appalachian Mountains, from central Pennsylvania south through Maryland to the Potomac. This region, which I call greater Baltimore, defined the politics of the borderlands, and those politics were, above all, a politics of sectional grievance.

By the end of the eighteenth century, greater Baltimore was also a place of relative ethnic and religious uniformity. Although Maryland and Delaware were slave states, relatively few slaves lived in the border counties of those states. Free African Americans lived along the Line, but the vast majority of the borderlands' population were descendants of German-speaking and Scots-Irish settlers. This latter point is crucial. The ethnic composition of the borderlands was a legacy of the ethnocidal slaughter that enveloped them during the middle decades of the eighteenth century. Among the consequences of all that violence and slaughter was the displacement of Native American communities who had long controlled the borderlands and their abundant natural and human-made wealth. The story of the Line is as much a story of the colonial assault on these Native peoples as it is of the emergence of greater Baltimore. Had it not been for the lengthy, systematic dispossession of Native nations, Mason and Dixon's work would never have

been undertaken, and even then the surveyors' work was directly shaped by remaining Native control of the borderlands. Envoys from the Iroquois League provided Mason and Dixon passage through Indian country but refused them passage across an Iroquois warpath, stopping the survey thirty-one miles short of its planned end point.

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Readers familiar with early American history might justifiably wonder about the appropriateness of associating the term "border" with the Mason-Dixon Line. In modern usage, borders usually mark the territorial limits of sovereign geopolitical entities. As part of an international order that has prevailed in the European world since the seventeenth century, such entities, the most persistent of which have been states and empires, are assumed to have ultimate legal jurisdiction over bounded territorial claims. In their more modern iterations, nation-states also tend to be coterminous with ethnolinguistic groupings—or at least they have sought to achieve contiguousness with such groupings. The entities separated by the Line never possessed sovereign control over historically delineated territories, and their respective populations had nearly identical ethnolinguistic compositions. Moreover, far from possessing independent and distinct legal and political systems, they were subordinate provinces of a single federated empire, governed first by Great Britain and later by the United States.

Readers might also wonder how a border between colonies or American states could serve the primary function of territorial borders, at least as they have functioned since the nineteenth-century rise of the industrialized nation-state. That function, enabled by the sovereign exercise of governing power, centers on the power to control the movement of people. For most of its history, the Mason-Dixon Line had no effect whatsoever on the movement of people. No walls or fences have ever been associated with the Line. Similarly, the legal significance of the Line never included any capacity to dictate insider-outsider status. For white Americans at least, one's legal status was similar on both sides of the Line. Although one might be subject to the jurisdiction of colonies or states adjoining the Line, wherever one stood one was a subject of the king of Great Britain or, later, a citizen of the United States. The situation would be very different for Americans of African descent, but the distinction had less to do with the Line itself than with the peculiar political economy of slavery. Insofar as movement back and forth

across the Line was at all regulated, it was regulated because the Line corresponded with legal limits on a particular commercial activity—chattel slavery. The states of Maryland and Delaware permitted slavery; the state of Pennsylvania severely restricted it. Only because of this interstate legal distinction does the Line become at all meaningful as a regulator of travel and migration. As a means of establishing national affiliation or citizenship and, in turn, regulating the movement of human beings, the Line was not, in any modern sense, a border.

If the Line is considered in the context of other efforts to mark and limit territory from the seventeenth through the mid-nineteenth centuries, the term becomes more appropriate. Early America was a largely border-free place. There were no routinely regulated and policed geopolitical borders anywhere in North America until the twentieth century.<sup>5</sup> Much like Europe before the Napoleonic Wars, the American continent was generally a place of vaguely defined jurisdictions, frontiers, and marchlands. A traveler (not constrained by subservient status as pauper, servant, apprentice, felon, slave, or Native American—the last ostensibly restricted to Native territories and trade routes by deeds and treaties) could move freely through the countryside, back and forth across the territorial claims of different colonies, states, empires, and Indigenous nations, oblivious to political geography.<sup>6</sup> In times of war, identity papers or passports were often necessary, but these rarely contained declarations of citizenship or national allegiance. They were akin to letters of introduction—documents endorsed by government officials or other persons of note testifying to the good character and peaceful purpose of the traveler—and they were usually needed for passing through ground claimed in war rather than across anything like a static international border.<sup>7</sup>

In Europe, the experience would have been much the same until one approached a river crossing or city. Remnants of the age of siege warfare, medieval walls and gates persisted into the eighteenth and early nineteenth centuries. A traveler crossing the Rhine into France or approaching a city could thus expect to confront gates and sentries demanding justification for entry, or perhaps requiring customs payments. This security apparatus was about as close as the premodern world came to something like a modern international border. As the architectural critic Lewis Mumford observed, “far more than a mere opening,” the city gate “offered the first greeting to the trader, the pilgrim, or the common wayfarer; it was at once a customs house, a passport office and immigration control point, and a triumphal arch,

its turrets and towers often vying . . . with those of the cathedral or town hall.” In overwhelmingly rural eighteenth-century mainland British North America, Boston had its gate and New York its wall (of Wall Street fame), but otherwise there was very little of this kind of regulatory architecture. The sovereign limits of empires, cities, and states were rarely discernible.<sup>8</sup>

Insofar as premodern states and empires had territorial limits, they tended to be referred to as frontiers rather than borders. This was indicative of the fact that, much like the city-states and the kingdoms they succeeded, premodern states and empires had neither the inclination nor the means to articulate and defend precise lineal boundaries. The result was a kind of sovereignty that made only the vaguest claims to territory, especially territory far from the geographic loci of power. In a seminal study of the boundary between France and Spain in the Pyrenees, Peter Sahlins writes that through the eighteenth century, “the French monarchy continued to envision its sovereignty in terms of its jurisdiction over subjects, not over a delimited territory, relying on the inherited notions of ‘jurisdiction’ and ‘dependency’ instead of basing its administration on firmly delineated territorial circumscriptions.”<sup>9</sup> While “zonal boundaries,” or frontiers, were evident in the early modern Pyrenees and elsewhere in Europe, particularly in the plains and forests along Russia’s western frontier, the vastness of the Americas and the limits of mapping technology meant that they were particularly abundant in the Western Hemisphere.<sup>10</sup> Even when maps suggested otherwise, imperial borders in the Americas tended more toward the zonal than the lineal. In an assessment that could be applied to any early modern Euro-American boundary, historian J. H. Elliott notes that “the straight line drawn on a map made the frontier of Brazil the most clear-cut frontier in all the Americas, but nobody in the seventeenth or early eighteenth century had any accurate idea of where in practice Portuguese territory ended and the Spanish viceroyalty of Peru began.” This disjunction between cartographic ideal and geopolitical reality was never more evident than in Britain’s ill-fated 1763 attempt to partition its mainland North American claims. The so-called Proclamation Line of 1763 was the cartographic answer to Britain’s attempt to separate its Euro-American subjects from Native nations by somehow arresting the flood of colonists across the Appalachian Mountains into Indian territory. On maps, the Proclamation Line looks like any carefully mapped boundary line: a stark imposition along the Appalachian spine. On the ground, of course, the line was invisible. British military officials



charged with policing the line threw up their hands in frustration as settlers flooded through the Ohio River valley into Indian country. As a partition between Native and European nations, the Proclamation Line was, like most such partitions, a near total failure.<sup>11</sup>

Within European imperial claims, particularly the mainland North American claims of Great Britain, lineal boundaries were far more common. But these were not, strictly speaking, borders, or at least they were never conceived of as territorial borders. They were instead much more akin to the kinds of fences, walls, and other spatial boundaries that separated private land claims or that separated private estates from commons. Only in their scope did the boundaries between Pennsylvania and Maryland—or North Carolina and Virginia, or New York and Connecticut—differ, at least in a legal sense, from the boundaries that demarcated commons from a feudal manor or that separated one manor from another. Both manorial boundaries and colonial boundaries marked the limits of land title, licensed by royal authority, to the various interests granted exclusionary rights to the Crown's overseas possessions. Much as in Britain, where titled lords controlled manors and incorporated bodies controlled some municipalities, the colonies were held by lords, such as William Penn and Cecil Calvert, the second Lord Baltimore, and by private corporate entities such as the Massachusetts Bay Company or the Lords Proprietors of Carolina. Insofar as these proprietary estates were bounded, they were bounded by cartographic decisions made by agents of the Crown, on the basis of only fragmentary geographic data and in the service of a domestic political agenda unrelated to the realities of colonial life.

The results of this arbitrary and narrowly instrumental approach to boundary making are readily apparent in maps of the eastern United States: colonial British America was largely a place of straight lines.<sup>12</sup> In their Euclidian perfection, the boundaries separating the American colonies and most of their successor states betray a purpose that had very little at all to do with bounding sovereign territory. Colonial boundaries reflected neither military conquest nor natural barriers to sovereignty—in the way that, say, the Pyrenees did for France and Spain. Instead, they reflected the arbitrary, top-down division of a monarchical domain. These boundaries, usually established by the Lords of Trade, a committee of Charles II's Privy Council, and later by the Board of Trade, a royally appointed advisory board, reflect the very narrow mandate of the king's colonial agents: to reward a small number

of loyal subjects with landed estates, something European monarchs had been doing with ever more elaborate pomp and ritual since the early Middle Ages. Early America may have been a place of boundaries, but it was not a place of borders.

The boundary that would become the Mason-Dixon Line was different. In comparison to the frontiers and boundaries that crisscrossed early America, it looked and acted very much like a modern territorial border. Although the boundary that became the Mason-Dixon Line was much like the various colonial boundaries created by British government officials in the seventeenth and early eighteenth centuries, the boundary established by Charles Mason and Jeremiah Dixon had origins in military conflict and its associated fiscal demands, much as was the case with the boundaries of territorial nation-states.

The French and Indian War brought new and onerous fiscal problems to the colony of Pennsylvania. Those problems were exacerbated by the fact that without a clear border between Maryland and Pennsylvania, taxes, both direct (in the form of poll and property taxes) and indirect (in the form of militia and public service musters, ferry and turnpike fees, trade imposts, and excise taxes), became very difficult to levy. The fact that colonists living along the Line often had no idea if they lived in Delaware, Maryland, or Pennsylvania also made it very difficult for courts to adjudicate civil disputes or enforce criminal law. Without functioning courts, these regions left colonial lawmakers with the convenient perception that the Mason-Dixon borderlands were unworthy of public expenditure, feeding a politics of aggrievement and alienation. As a geopolitical demarcation, in other words, the Mason-Dixon Line may not have separated territorial nations, but its historical origins in problems of taxation and security were very much akin to the origins of international borders that did do this.<sup>13</sup>

Similarly, the colonies and states bounded by the Mason-Dixon Line were never recognized as sovereign, independent members of an international community of sovereign and independent states. But this did not mean they were somehow the opposite of independent nation-states. They were not vassal states. Their internal affairs were never controlled by exogenous authorities. Not until the very end of the last period covered here, the American Civil War, did either the British Empire or the United States aspire to achieve that kind of authority over its member provinces. If anything, the constitutional apparatuses underpinning both the British Empire and the new

American republic contained an array of mechanisms for the devolution of central imperial-style authority. Britain's American colonies possessed legally constituted governing institutions with powers associated with the modern state. They could tax, they could wage war, and they could treat and trade with certain quasi-foreign nations—the last reflective of the fact that neither Great Britain nor the United States was ever entirely consistent in their relations with autonomous Native American nations. The colonies did all of these things. For this reason, historian Patrick Spero has referred to colonial Pennsylvania as a “colony-state.” The designation could as easily apply to all of Britain's mainland colonies.<sup>14</sup>

The revolution that transformed these colonies into confederated states began in part because the British government set out to reverse constitutional precedent. The constitutional order linking Great Britain to its mainland colonies was much more like a league of nations than a Roman-style empire. The colonies had always been responsible for their internal affairs, which is precisely why so many saw the stamp tax as unconstitutional: it was a tax levied by Parliament on goods made within the colonies themselves. Of course, the colonies' assertion of constitutional autonomy gave way to a new push for an external, imperial-like authority. That push culminated in a new federal constitutional power to levy taxes within formerly independent American states. The unraveling of the autonomy enjoyed by the former British colonies would nevertheless be a long and slow process. The authority to tax, for example, did not necessarily translate into effective tax policy. The Whiskey Rebellion, a 1794 Pennsylvania rebellion against a federal tax on distilled spirits, left little doubt about the political challenges of federal taxation.

William Penn and Charles Calvert, the third Lord Baltimore, initially faced their boundary troubles in the late seventeenth century through diplomatic channels. The two colonial proprietors used emissaries—ambassadors—to begin negotiations, and they approached the problem of their disputed boundary as a diplomatic one, undertaken by two geopolitical entities relating to each other through the protocols and rituals of treaty making. During the eighteenth century, the proprietors' descendants would redefine the dispute as one over private property and would seek redress through the king's courts. Once these proprietary colonies became states and their boundary conflicts were taken up by the respective governments of the new states, an old seventeenth-century pattern returned: the Maryland-Pennsylvania

boundary dispute left the civil courts and returned to the provincial capitals. Diplomatic delegations, deputized by governors of the adjoining states, would again be called on to resolve the boundary question.

The point here is that although the boundary line separating Maryland, Delaware, and Pennsylvania, was not, strictly speaking, an international border, for much of its history those charged with administering the Line acted as if, in fact, it was. The colonies separated by the Line defy easy historical classification. They bear some resemblance to a variety of antiquated geopolitical entities. Much like European palatinates, duchies, principalities, and some cities, they were essentially controlled by proprietary families. Much like city-states, they exerted political influence far into their hinterlands, but that influence was more likely to be over persons and goods than territory. In their territorial boundaries, their taxation policies, their military conduct, and their diplomacy, they also have characteristics consistent with territorial nation-states. We call them colonies, but exactly what this means has never been clear. Perhaps the best way to think about them is in light of what legal historians have identified as the layered and often composite nature of sovereignty in early modern empires. Whatever the American colonists may have claimed in their 1765 rejection of the stamp tax or their ultimate declaration of independence from Great Britain, the British Empire had always been a place of competing and overlapping powers and jurisdictions, and those powers and jurisdictions, whatever their legal source, were sustained through appropriation of lands and the income generated from those lands. It was precisely these facts that led to the creation of the Mason-Dixon Line. The proprietary mode of government produced geopolitical conduct very much like that more commonly associated with sovereign, territorial states, precisely because the burdens borne by proprietary government were, in large measure, equivalent to those borne by sovereign territorial states.<sup>15</sup>

Although the Mason-Dixon Line originated from historical circumstances commonly associated with international borders, there was one quality associated with those borders the Line acquired only very late in its history. That particular quality was, paradoxically, the one that most separates the Line from colonial-era British-American boundaries. In the half century following the Revolutionary War, the Line was incorporated into a system of discipline and surveillance that distinguished between insiders and outsiders—between full members of the national community and human beings long denied membership in that community. Those insiders and

outsiders did not carry the designations we most commonly associate with legally sanctioned membership in a national community: citizens and non-citizens (or aliens). Instead, they carried arcane designations that are, at least superficially, very much unlike the designations associated with rights-bearing subjects or citizens at the territorial limits of nation-states. The insiders and outsiders designated by policy surrounding the Mason-Dixon Line were, respectively, free Americans and enslaved Americans of African descent. What dictated insider-outsider status thus had less to do with one's capacity to demonstrate legal affiliation with a given territorial entity than it did with one's capacity to demonstrate a very different kind of legal status, that of a free or enslaved person. For white Americans, this meant that the Line remained, in effect, as it had always been. These Americans' associational status was more or less unchanged, whichever side they found themselves on. For Americans of African descent, the story was obviously completely different. One's legal status was entirely conditional. On the south side of the Line, African Americans were either free or enslaved. On the north side of the Line, where slavery was gradually abolished, a resident Black American would be either a free Black or a fugitive from slavery.

Although African Americans legally crossed the Line, they did so under the onus of a legal regime that looked very much like one we might associate with modern international borders: they were required to carry identity papers, and they bore the burden of demonstrating legal status before ordinary whites as well as state and federal magistrates. Those lacking suitable documentation faced a species of deportation into a life of slavery. The fact that, as a demarcation of insider-outsider status, the Line limited the movement only of one particular group might suggest a geopolitical demarcation very much unlike modern international boundaries. The latter, in theory at least, establish insider status equally for all naturalized citizens. Of course, the reality is very different. Whites on both sides of the nineteenth-century Line were much like citizens of wealthy, developed countries, able to travel unimpeded by the walls and fences and security personnel marking the territorial limits of nation-states. For the global poor, political refugees, and other victims of political instability and economic insecurity, in contrast, boundary crossing obviously means something very different. In the present-day United States, undocumented migrants live with ethnic and legal stigma, in addition to the fear of imprisonment and deportation. For Americans of African descent, life north of the Line came with very similar hazards.

These counterfactuals can obviously only go so far. Although the experience of African Americans across the Line may have had similarities to the experience of modern migrants, the legal and political apparatus surrounding the movement of these groups were very different. While many migrants are denied citizenship, some wealthy industrialized states accord them basic human rights. The degree to which undocumented migrants actually enjoy such rights obviously varies widely. Similarly, some have argued that human rights have come into being primarily as a means of easing the international movement of cheap labor. Liberal governments, according to this reasoning, can justify denying migrant laborers citizenship because they accord them the purported right not to suffer torture, unjust imprisonment, enslavement, and assorted other cruelties.<sup>16</sup> Alleged runaway slaves could claim no such rights. For a time, some northern states afforded African Americans a species of state citizenship. Northern personal liberty laws allowed accused fugitives from slavery to argue against claims on their persons in state courts, but no national or international legal order guaranteed them rights to anything like habeas corpus or freedom from cruel and unusual treatment.

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In arguing that the Mason-Dixon Line bore hallmarks of borders between modern nation-states, my purpose is to uncover a long-overlooked chapter in early American history. The story of the Mason-Dixon Line will also, I hope, reinforce what has been a far-reaching development in early American history writing. From a place once studied for what made it exceptional, what made it different from European progenitors, scholars have come to understand early America through the networks linking its peoples to the Old World societies and states that sponsored its colonization. Understanding the history of the Mason-Dixon Line less for what made it distinctly *American* and more for what made it reflective of larger, transcontinental, transoceanic processes that shaped the early modern and nineteenth-century worlds reinforces just how important that boundary was, not only to the history of the United States but also to the broader global history of state making and political development. If the story of America's founding divide resonates with similar stories elsewhere, I will have achieved one of my core ambitions: reminding readers that ours is not a history *sui generis* but a history of processes and peoples far transcending anything so fleeting as a line on the land.<sup>17</sup>

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## PART I

# MARCHLANDS IN MOTION

Although Pennsylvania was founded nearly a half century after Maryland, the two colonies were very similar geopolitical entities. Both were founded by prominent Englishmen with dissenting religious views. Both were unmistakably commercial ventures. Both faced existential security threats—from dissident factions within and from Native and Euro-American nations without. And both were, according to the royal charters that authorized their creation, defined by strict, lineal boundaries. Those boundaries were intended to function in much the way boundaries between nations function: they were to mark the jurisdictional limits of distinct semisovereign governments. But a combination of limited cartographic knowledge and divergent political pressures meant that the intended function of these colonial boundaries would be almost entirely aspirational. Royal authorities deferred to colonial proprietors to resolve the ensuing jurisdictional disputes. As intercolonial diplomacy proceeded, violent rivalries with the Dutch and the dominant Native powers of Maryland's far north, the Lenape and the Susquehannocks, would lead to lasting demographic change.

## Lord Baltimore's Northern Problem

GEORGE CALVERT, English founder of the Maryland colony and the first Lord Baltimore, was born in late 1579 or early 1580 in Yorkshire, a region dense with Catholic recusancy. The Catholic Calverts would bear witness to the stark confessional realities of the region's anti-Catholic persecution. Local authorities ordered the disbanding of the Catholic school George and his brother Christopher had attended, and the Calvert family was forced to employ a Protestant tutor to bring the boys around to the established creed. George's Catholic father, Leonard, capitulated to official pressure and entered the Church of England, but his mother, Alice, seems never to have done so. For the Calvert boys, the family's confessional divisions must have been deeply troubling and surely had something to do with George's quest to found a Catholic refuge in America. Born into the church of their mother but now seeing their father leave for England's church, the younger Calverts would have to make a difficult choice. For young George, clearly an ambitious child, the path would be clear. At age twelve he followed his father into the English church, and several years later he matriculated at Trinity College, Oxford. Until 1624, Calvert would maintain his adherence to Anglican rites.

After completing additional studies in the law at Lincoln's Inn, Calvert came under the tutelage of an exceptionally powerful patron, Sir Robert Cecil, the Earl of Salisbury. Although "dwarfish in stature," Cecil was to



become a titanic player in the royal court.<sup>1</sup> Following his father, William, Queen Elizabeth's principal secretary, Robert entered the queen's inner circle, initially serving as secretary of state and eventually replacing his father as the queen's closest advisor. By far Robert Cecil's greatest achievement was managing the succession to the English throne of James Stuart, the king of Scotland and the queen's second cousin. For his role in bringing James to power, Cecil was showered with lucrative offices and titles and in 1608 was appointed lord treasurer, which was, along with lord chancellor and lord keeper of the privy seal, the highest office in English government.

With so powerful a patron, George Calvert's ascent was swift. In 1606, shortly after the birth of Calvert's son Cecil, named for his father's patron, the king appointed Calvert to the office of clerk of the Crown and assizes in the province of Connaught, County Clare, Ireland. In 1609, Cecil arranged for Calvert to take a seat in Parliament for the Cornish borough of Bossiny. He also arranged an appointment for Calvert as clerk in the king's Signet Office. The following year Calvert received the ultimate promotion, becoming a clerk of the king's Privy Council. Proximity to power and power itself were of a piece in the early modern English court. Calvert was far from being a mere clerk; short of being on the Privy Council itself, he could rise no further in the ranks of royal officeholders.

Calvert's prominence at court would lead to an assortment of important diplomatic missions, and in 1612, after Cecil's death, Calvert would begin work as an executor of the earl's estate. The pinnacle of Calvert's time in the king's service came in 1619, when James I appointed him one of his secretaries of state. The former Catholic boy from North Yorkshire, who had been knighted in 1617 and who was now a member of the king's Privy Council, found himself with easy access to the monarch himself, by far the most valuable asset to which any Englishman could aspire—and a worthy tribute to Calvert's late patron, the Earl of Salisbury, a master courtier. Although Calvert had prospered in Cecil's service, his wealth was not what it would become after he joined the circle of the king's closest advisors. In a fitting display of Sir George's new stature, he purchased the Yorkshire estate Kiplin Hall, which would become the Calverts' English family seat until 1722, when it was sold by Calvert's great-great-grandson and future proprietor of Maryland, Charles Calvert, the fifth Lord Baltimore.

Although he served the king during the initial age of English overseas expansion, for most of his first decade in royal service Calvert treated this

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