

its given conforming more closely with Durham County than with the unnamed since the southern limit in the one case extended to the vicinity of the Calvert-Scarborough line, marking the southern boundary of Maryland but in the later instance only to the south shore of Rehoboth Bay, a little north of the transpeninsular line between Delaware and Maryland.

All of the territory included within these old temporary counties was included within the limits of the original Maryland charter granted in 1632, according to any reasonable and unprejudiced interpretation of the supposed limiting clause *haectenens incluta* found in the preamble of the charter, King Charles I, the grantor, Lord Baltimore, the applicant, and the Duke of York, the subsequent disputant, can all be shown by documentary evidence to have held that any settlements of the Dutch along the Delaware were of no account and should not be respected as granting control away from the English Crown. This view of the English was enforced against the Dutch in 1663-4, when New Amsterdam and the Dutch settlements along the Delaware were captured. When, however, Charles II granted all the territory east of the Delaware River to his brother James, then the Duke of York and Albany, the latter became interested in the settlements upon the western shore and acted on, without actually asserting, the principle laid down by the Dutch ambassadors to Maryland in 1659, viz., that all of this territory had been excluded from the Maryland grant out of regard to the Dutch settlements by the clause in the preamble above cited. Acting on this principle led to assumption of authority and practical occupation by the Duke of York and his representatives, and the land was even granted to William Penn. When the question of ownership arose between the latter and Charles, Lord Baltimore, it was referred to the Privy Council, who were by the circumstances more or less obliged to confirm the title previously assumed by the Duke of York, who had in the meantime become the King, James II. By the decision of 1685 the territory of old Worcester County was decreed to belong to the King and thus it ceased to be a portion of Lord Baltimore's government of Maryland.

The Legislature of 1742 passed an Act (Acts of Assembly 1742,