

rence to the Premises. Instead of that East & West Line South of Indian River to Choptank Bay, a Line be run East & West on the North side of the Inlet of that River to Choptank Bay, & that a Meridian Line thereon be run North up to the Periphery of the 12 Miles Circle off New Castle, to answer the Order of Council in 1685, as the Division Line of the Peninsula the East side to the Crown, the West side to Maryland. A Line so Run I apprehend My Lord by such Division of the Peninsula, will Lose No Patented Land at present und^r occupation & with preservation of Navigable Waters on the West side of the Peninsula up to the Circle off New Castle & this I mean by offer, as an Expedient to bring the Mess^{rs} Penns to a Compromise & taking the three Lower Counties they have no Right to by Express Discription of their Charter However 'tis a Territory the Lords of Council by their Report to the King in 1685 deprives Maryland of & the Regal Dicision Confirm^s that order as to Dominion of that part to Maryland is, Determinable. But of this Propositions & Matter you are desired to Consider with the Advice of the Council & to make Report thereof to his Lord^p.

Calvert
Papers.

Follow^s is a Copy concern^s the 40th Degree North Lat: of Maryland with the Question Propounded & the Resemblance by Plan of the Province put to the most Emminent & Learned Counsel in Our Law, with their opinions thereon. The Maryland Charter Viz^t "From Watkins Point near the River Wighis on the West unto the Main Ocean on the East & between that Bound on the South unto that part of Delaware Bay on the North w^h lieth under the 40th Degree of Northern Lat: from the Equinoctial where New England Ends."

2. "Whether Lord Baltimore has or can claim a Right to any Lands laying Northward of the Peninsula & of the Bay of Delaware & Chesopeak & the Bounds as understood at the time of his Grant within the Grant of Pensilvania now settled above forty years."

S^r Clement Wearg's opinion "That the intent of the King seems to him he intended Maryland shos^d not extend North beyond Delaware Bay w^h was then thought to reach the 40th Degree Lat: This is confirm'd by the Subsequent Grant to Pensilvania & by the Line Drawn by the Ancestors of Lord Baltimore.

S^r John Wills opinion That it expressly appears by the Grant—Maryland was not to Extend Northwards beyond the Isthmus of the Peninsula

S^r Philip York's opinion That the Boundaries Described by Lord Baltimore's Grant must now be understood in the same manner as they were at the time of making thereof & so consequently that in Case the Extent of Maryland to the North