

Calvert Papers. to be to the 48th Degree of Northern Lat: yet that 40th Degree must be taken to be according to the calculation allow'd at that time & as it was then Laid down in Maps & Charts Even tho' that Calculation was Erroneus and what rather convinces me that Lord Baltimore can claim Nothing to the Northward of the Peninsula is that the Discription is not to the 40th Degree of the Northern Lat: But to that part of Delaware Bay w^h lays under the 40th Degree of Northern Lat: Now if Delaware Bay be Rightly laid down on the Plan laid before me no part comes near to that Line where by their late observations they would fix the 40th Degree of Northern Lat: & therefore that would not be Northern Boundary intended by the Grant."

In answer of the Charter Stated, Map & Question with the Counsels Opinion thereupon, It is to be observed. The Map or Plan of the Province laid before the Counsel is Charted from no Geographick Authority or has it a Scale & the North extension of Delaware Bay by Ancient & Modern Charts is Plan'd in the Mass Erroneous short Northw^d. The Latin Citation of the Charter ought to have been before the Counsel & the Question with Substance sho^d have been propounded The Maryland Charter, the words are, "Subjacet quadragesimo gradni lat Septentr., of w^h words the plain & Obvious meaning is certainly in translating lieth under the 40th Degree of North Lat: These Degrees are measured upon imaginary circles lying upon the Globe; and therefore to lye under the 40th Degree is most evidently not to lye under other Degrees exclusive of the 40th Degree. Further concerning that Degree to Maryland, The Grant to the Council at Plymouth the words of that Charter is "from forty Degrees of Northerly Lat: w^h evidently means that the Lands Granted were to begin under the 41st & not under the 40th Degree, for then it wo^d not have been from but with or under the 40th Degree as it is most Accurately expressed in the Maryland Charter. It cannot mean that these Lands should begin where the thirty-ninth Degree ends, because 40 degrees are mention'd; and thus this Charter coincides with that of Maryland. If the 40th Degree is not Grant'd away by the Maryland Charter, there can offer not the least pretence for its having been Granted by the New-England Charter; it has never been Granted at all. As to the Pensylvania Charter the South Boundary of that Province is