

Lib. x. noctial but to take away all Room for Cavil it is further described to be the very place where New England ended the Grant of New England at that day extending from the Northward unto the degree of forty in North Latitude as Maryland was extended from the Southward unto the same Line of 40 and left no Space of Land betwixt the two Grants Moreover the said Boundary so emphatically described was fifty three years afterwards confirm'd again unto the said Lord Proprietary of Maryland by the above Order in Council which appointed a division to be made of the Tract of Land between the two Bays unto the fortieth degree of North Latitude according to the Antient Charter of the province of Maryland thereby reserving to the Crown that Tract of Land then in dispute commonly called Deleware which must necessarily imply that those Lands reserved lay only upon the Deleware as appears by the late King James Claims when Duke of York and as the same was Granted by deeds of ffeoffment unto William Penn Esq^r Viz^t one deed for all that Tract of Land upon Deleware River and Bay beginning at twelve Miles South from the Town of New Castle otherwise called Deleware and extending South unto the Whorekills otherwise Called Cape Hinlopen together with free and undisturbed use &c. and one other deed for all the Town of New Castle otherwise Called Deleware and all that Tract of Land lying within the Compass of twelve miles about the same scituate lying and being upon the river Deleware in America and all Islands in the said River &c which two deeds contained all the Lands then claimed by his Royal Highness when Duke of York and all the Lands upon the Score of Christian Settlements as was suggested by him Granted unto William Penn Esq^r lying and being Scituate upon Deleware River and Bay as aforesaid it follows from thence that that portion of Land adjudged to belong unto his Majesty according to the division appointed to be made unto the 40th Degree of north Latitude can be no other Land than those very Lands lying upon or according to the Order in Council towards Deleware Bay thereby determining the other Lands lying to the Westward of the said Tract commonly called Deleware to be no part of the then dispute but to belong unto the Lord Baltimore as Comprized in his Charter Nor can it be of any avail to the pennsylvanians to say that his Lordships Ancestors have heretofore determined their Claim by an Eastern Line run from the mouth of Octerara Creek seing that it is in proof that his Lordships said Ancestors always claimed as his Lordship hereby doth now make his Claim in this publick manner unto the 40th degree of North Latitude as by the

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