

Bound and Descriptions therein mentioned, and which noways
comprehends but clearly excludes the three lower Countys which
lye part on the west Side of Delaware Bay, For the grant of Pen-
sylvania is bounded on the westward by the East Side of Delaware
Bay, and on the South by a Circle drawn at 12 Miles Distance
round New Castle Northward and westward into the beginning
of the 40th Degree of northern Latitude.

Anno 1603 I find the Duke of York applied to the
Crown for a Grant of these three lower Countys under pre-
tence, that tho' they were included within the Bounds of Lord
Baltimore's Grant, that yet, by the Preamble of the Grant
of Maryland it appeared, that the Lands intended to be granted
were only such as were uncultivated, from the words: *terrae
nus incultae*; whereas he pretended that the three lower
Countys were long inhabited by the Swedes and Dutch, and
consequently did not Pass by the Grant.

It appears the then Lord Baltimore opposed the passing
His Grant to the Duke of York, which Petition depended till
the Demise of the then King so that such Grant never Passed,
and

The 13th of November 1605 Lord Baltimore's said Petition
came on to be heard before the Lords of the Council when the
Duke of York was King, at which time Mr. Penn appeared
against Lord Baltimore as Agent of the Crown, and not on behalf
of him self; and the Lords of the Council on such hearing were
of opinion, that the Lands intended to be granted to Lord Baltimore,
were only Lands uncultivated and inhabited by Savages, and there-
fore judged the three lower Countys to belong to His Majesty;
and their Lordships Report was afterwards confirmed by the King
in Council; and Mr. Penn and Lord Baltimore required to yield
obedience thereto.

The Revolution following soon after this order was made,
the Government of Maryland was assumed into the hands of the Crown,
by the Reason of the then Lord Baltimore's being of the Roman
Catholic