

a division to be made of the Tract of Land between the two Bays unto the fortieth degree of North Latitude according to the third Charter of the Province of Maryland thereby reserving to the Crown that Tract of Land then in dispute commonly called Delaware which must necessarily imply that those Lands reserved lay only upon the Delaware as appears by the late King James Charter when Duke of York and as the same was granted by deeds of Settlement unto William Penn Esq^r viz^t one deed for all that Tract of Land upon Delaware River and Bay beginning at twelve Miles South from the Town of New Castle otherwise called Delaware and extending South unto the White hills otherwise called Cape Hindopen together with free and undisturbed use of Land one other deed for ^{all} the Town of New Castle otherwise called Delaware and all that Tract of Land lying within the Compass of twelve miles about the same situate lying and being upon the river Delaware in America and all Islands in the said River & which two deeds contained all the Lands then claimed by his Royal Highness when Duke of York and all the Lands upon the Shore of Christian Settlements as was suggested by him granted unto William Penn Esq^r lying and being situate upon Delaware 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 Delaware Bay thereby determining the other Lands lying to the Westward of the said Tract commonly called Delaware to be no part of the then dispute but to belong unto the Lord Baltimore as comprised in his Charter