

ry of Maryland, but these were with Virginia, with lord Fairfax, who had obtained a grant within that province, and in some measure with the crown itself. The main point in dispute was whether the north or the south branch of the Potomac was to be deemed the fountain head of that river intended in the charter of Maryland. This province of course contended for the southern branch; and the officers of the proprietary government were, to the last moment of its existence, sanguine in the expectation that it would be so settled whenever a favourable opportunity should arrive of bringing the dispute before the king in council. Lord Baltimore, however, was restrained by some orders of a general nature issued by the crown relative to the back country, from settling the territory in question, and although, towards the end of the proprietary government, some of those lands were occupied under Maryland grants, the pretensions of the province in respect to its western limits were not vigourously asserted, and were left, so far as I can obtain information, unsettled at the declaration of American Independence, in which state they still continue, notwithstanding that many efforts have been made by the present government of Maryland to obtain a fair determination of the dispute. But this is not a subject to be discussed at present, and I shall, therefore, close this slight notice of territorial disputes by observing that the affair with Virginia remains hitherto upon a footing the most favourable to that state, the longitudinal dividing line being drawn from the meridian of the head or source of the *north* branch of the Potomac, so that we may gain, but cannot lose, by an investigation of our claim.

CHAPTER IX.

OF ESCHEAT WARRANTS.

THE general principle of escheats recognized in the English jurisprudence has been stated from authority in the conclusion of our remarks upon tenures, and it would serve no useful purpose to attempt a fuller developement of the doctrine, as it is not certain that the law of escheat prevailing in that country was strictly pursued in Maryland. There was, it is true, no other known law regulating that article, nor could there, agreeably to the charter have been a law or doctrine of escheat confessedly repugnant to that of England :