

I have wrote to M^r Lloyd and inclosed him My Lord's further Instructions concerning His Private Affairs, your Consultations with him thereon, and carrying into Execution the advancement of His Lordship's Property, and returning such Testimonials of Benefit to Him will be grateful; and of which in you He trusts there will be no Delay, and that you will forward all others concerned.

By Lord Fairfax's Letter to you, his Lordship Declines having to Do with any Re-Settlement of the Course of Potomack River. The Branch called the South Branch which you seem to apprehend will be much more Beneficial to Maryland, as in Length South Westward, will depend on Proof, as it's Fountain Head instead of the Spring Head of the said River, determined by the Virginia Commissioners in 1736 and 1737. If the South Branch runs as you apprehend, it will certainly be of great Advantage to the Encrease of Maryland, and also may be to Lord Fairfax's Tract of Land by the Spring head of Potomack lying more Westward than the Determin'd Head of Potomack as above settled.

However you ought before you make an Attempt, to be well Grounded How the Inclinations of the Governor, the Virginians and Lord Fairfax Stand, to a New Settlement of the Course and Fountain of Potomack with Maryland. If they oppose, the Crown is most likely will side with Them. The Tryal of the South Branch of Potomack as to it's advantages as may turn out, His Lordship is not against M^r Cressap's Essay therein; Provided he does not bring upon Him too great Cost thereby, of which, if you find it absolutely necessary to send him; you must Bargain with him Reasonably.

M^r Evans's Abstract of his Treatise is hardly worth notice. He says, "concerning what was gained or lost by the Proprietaries, if the Articles of Agreement take Place."

"The Messieurs Penn and my Lord Baltimore, when they executed the Articles, considered the South Boundaries of Pennsylvania by the Patent to be in the lat. 39° and if the Articles are to stand, they must be Construed Accordingly"

In answer thereto, By the Articles Executed by the late Lord Baltimore and the Messieurs Penns, It doth under no Consideration appear or is Suggested, The Pensilvania Patent to be in the Lat 39° As to the three Lower Counties call'd Delaware, 'tis admitted in the Pleadings of the Cause, that the Duke of York had no Right to transfer to Penns; and it was also admitted the Deeds of Feoffment Grant by the Duke of York to the Penns were not Valid, by reason no Proof was produced of the Crown's confirming the same. It was urged orders had been Given for Issuing out Warrants for the Establishing the said Grants, but admitted in the Cause the same