

Lib. C. B. 3^d That M^r Digges his Tenant or Tenants were Possessed of such Place at the Time of the Royal Order.

Were the Subject of Dispute a Claim of bounds or Property either between a Proprietary and a Tenant or between Tenant and Tenant and Determinable by the Common Rules of Law your Expectation might be very reasonable, But this Question is concerning a Jurisdiction directed and regulated by a Particular Order of his Majesty, who has been also Pleased to Specify the Mode and proof of such Jurisdiction Not by Surveys, Plans, and all the disputable Inquiries used in Common Cases, but by one Criterion only, i e, Possessions Had it been otherwise, and that each Government must have proceeded for their Satisfaction on the Point of Jurisdiction by the Plan you have prescribed, what endless uncertainty contention and Confusion would have happened in every Case from the meeting of the People on Each Side of the Borders, in running Lines & proving boundarys We may be Sufficiently convinced by what happens on common Surveys & opposite Interests of the Borderers, So that an Order pursued by your Scheme would rather raise fresh Disturbances and destroy the Peace than prevent the [one] or preserve the other And in this view I presume the Royal Order has only Subjected the Point of Possession to Our Examination, But indeed it has yet taken further care of these two Provinces by the Strict Injunction contained in that Order to the Proprietaries & their Officers not to receive or accept of Attornments from the Tenants of the other Proprietary. You very rightly observe, "That probably Art Fraud and Violence were too frequently used amongst the Borderers concerning their Possessions." Even
 p. 495 this his Majesty most Graciously Provided against as far as his Royal Commands would Influence the Tenants by Expressly forbidding them on one Side to Attorn to the Proprietary of the Other But however inefficacious such Restraints may prove to the Conduct of the Tenants, we may be assured not the least appearance of Disobedience will be in those who hold the Reins of Government,—In this opinion I again Set before you the Light in which this Transaction Shews itself on the face of the Depositions. That the Spot where Dudley Digges was murdered had been Surveyed for M^r Digges the Father under authority of this Government some considerable time before his Majestys Order in Council. That John Lemon upon some agreement with & under M^r Digges had Possession of it. That Martin Kitzmiller purchased from John Lemon his work (which I suppose means his Improvements) on the said Land. That Kitzmiller being told by Lemon that he had no Right to Sell the Land but that he (Kitzmiller) must buy of M^r Digges answered, that if he could get Lemons