

Second, That the former Proprietors of this Province cautiously avoided giving offence by granting Lands to the westward of the Line settled between the Crown & Lord Fairfax (tho' the Agent alledges there cannot be a doubt but that the Fountain Head of the South Branch of Patowmack is the place referred to in the Charter of this Province) and he presumes this Caution was intended to be observed until there should be a favourable opportunity of bringing the Matter before the King in Council, and that the present Contest between Virginia and Pennsylvania will probably afford this Opportunity; he therefore thinks it highly improper for the Proprietor, or his Officers to throw the first Stone by granting Lands over the Allegany Mountains.

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Third, That the back Inhabitants who have stood the brunt of two Indian wars ought to be preferred; and that he has heard some of them had obtained Warrants with a view of surveying Lands to the westward of Fort Cumberland, before the Reserve was laid.

As to the First, It must be confessed that we did not foresee the Objection, nor do we now perceive that there was any foundation for it. When the Royal Order was made in 1763, there were in the then Situation of American Affairs, particular State Reasons for such prohibition, but the purposes of this Order have been fully answered, and in consequence of the King's subsequent Proclamation very extensive Grants have issued for Land beyond the Mountains, to Officers & Soldiers who served in America & were reduced on the Peace, and we are assured that more than Two Thousand Families have since settled in Pennsylvania beyond the Allegany, under Titles from the Proprietaries, & above double that number in other parts of America over the same Range. When for Reasons of publick Utility the order of 1763 was notified, a compliance with it was decent & proper, tho' we do not imagine that it could, or was meant to abridge the Right of the Proprietor under the Charter of Maryland; and it seems to be a groundless Fear that an immediate exercise of this Right may give Offence to the Crown, after the Order of 1763 has been in the most explicit Terms superseded by the subsequent Proclamation, and so many Thousand Families have been permitted to settle beyond the mountains, in the neighbouring Colonies of Virginia and Pennsylvania. These Settlements we apprehend have been greatly disadvantageous to the Proprietary Interest, and the temptation given to many People to emigrate from hence in search of Lands on easy Terms will, if not speedily removed, prove very detrimental to the future Improvement of the Province.

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