

any special grant or order from his lordship—they therefore pray that in consideration of the said Richard's infancy, his lordship would be pleased to stop the issuing of any warrants to affect the said lands—Whereupon,

“ Ordered that no advantage be taken against the petitioners by reason of any survey made within the bounds, of their said lands, but that for the future a stop be put to the granting of any special warrants for the *resurvey* thereof until the orphan shall come of age and desire the same, or any other person for and on his behalf shall do it.”

LIBER C. B. No. 1, fol. 19.

“ Nicholas Butterham, guardian to William Henry Bussey, an infant, son and heir of George Bussey, deceased by his petition sets forth that the said Bussey held, by patent, a tract of land in Calvert county, laid out for seventy-five acres, called The Horse Range, to which his said son is become rightfully entitled ;—That George Carter had, by a subsequent survey, taken away the said orphan's plantation and houses ; that the petitioner had thereupon obtained a warrant to resurvey the said land, with liberty to include the surplus ;—that upon the said resurvey it was found to contain a surplusage of 135 acres and 2 roods, but that the said Carter keeping possession of his 113 acres, although he knew that the same was within the orphan's bounds, and could not therefore be affected by a common warrant, the petitioner was obliged to bring an action of ejectment, and that the provincial court having ordered a resurvey *by a jury and evidence*, the land was on such evidence found to contain within its ancient bounds 231 acres, so that there were 156 acres of surplus land ; He therefore prayed that his lordship would grant to the orphan the said surplus, and order a patent of confirmation for the whole, agreeably to the last mentioned resurvey :—and as the petitioner had been cast in the action of ejectment through a mistake of the jury, by them acknowledged, his lordship would grant a writ of error to have the whole merits of the case brought before his lordship in his upper house of assembly, and supercedeas upon the judgement entered in the records of the provincial court.”

“ Order issued for a supercedeas accordingly, and a transcript of the proceedings to be transmitted to his lordship at the next general assembly in order for a hearing upon the whole merits of the cause as prayed.”

LIBER C. B. No. 1, fol. 33.

“ Henrietta Maria Lloyd widow of Coll. Philemon Lloyd deceased, in behalf of her daughter Henrietta Maria Lloyd, by