

tion of any conditions of plantation whatsoever, and that for ascertaining the true contents thereof, a warrant of resurvey may issue directed to such person as his lordship shall please to appoint, &c."

"In answer to which his lordship declared that he would not take advantage of the errors committed in the former survey, so as wholly to vacate the patent, but would allow the petitioners their quantity of one thousand acres; and therefore ordered a warrant to issue to lay out the said quantity; beginning where the first survey began, *giving its due breadth from thence by the water side*, according to the conditions in force at the time of the original survey, with liberty of including what marsh land may lie contiguous; and that captain Randolph Brandt, of Charles county, be for the purpose specially appointed to lay out the same, and the warrant to be to him directed after being first viewed and signed by his lordship, and that on return of a certificate, patent of confirmation issue as prayed.

COUNCIL BOOK C. B. for lands, fol. 74.

"William Thomas, Thomas Atchison, John Douk, Thomas Morsell and George Usher, all of Kent county, by their petition, set forth that they are seized and possessed of a tract or parcel of land in the said county, called Killingsworthmore, originally surveyed and laid out for Gilbert Clarke, and after several assignments parcelled out by metes and bounds to different persons, from whom by conveyances and devises, it is in several parts become the property of the petitioners: that upon inspection into their title they find no grant to have been ever issued for the said land. They therefore pray a special warrant to resurvey it; and that upon return of a certificate of resurvey, a patent may issue to them for the same, agreeably to their respective proportions therein."

LIBER E. E. fol. 82.

The warrant, after directing a resurvey and the return of a certificate in the usual form, instructs the surveyor to return also "separate certificates, if required, of each person's parts thereof according to their rights, by their deeds of bargain and sale or bequest, with how much surplusage and vacancy, in order that each may have separate grants," &c.

"Whereas there hath been committed a mistake (as I suppose) in the certificate of a parcell of land surveyed by Mr. Robert Clarke, for one William Pell, which land is now in the possession of George Saughier, in which certificate is set down either instead of a line west and by south, west and by north or else instead of east and by south east and by north to Pennington's Ponds, which east and by north line