

Smithson of Talbott County and Thomas Smithson of Dorchester County have informed his Lordship and Council that the Said Land was Surveyed upon no Lawfull Warrant that no patent hath issued to the Said Seward for them who hath been absent out of [654] this province above Seven years and that his Lordship rent was never paid for the Same and for as much as the Said Smithson of Talbot and the Said Smithson of Dorchester have humbly Suplicated his Lordship and Council to grant them a Special Warrant to Take up the Said Land again to their own proper use and behoof paying his Lordship According to the Condition of Plantations now in force whereupon it was by his Lordship and Council ordered that Special Warrant Should issue for the Laying the Severall Tracts of Land Mentioned According to the Ancient meets and Bounds in the former Surveys mentioned Provided the allegations laid in the Said Petition appear to be true that no Lawfull Warrant hath already issued for the Same and to be Certified to his Lordship and Council with all Convenient Speed for their further Consideration and answer to the Said Petitioners request. Lay out therefore and carefully resurvey the af^d three Severall Tracts or parcells of Land According to their Ancient Meets and Bounds not running the lines within the Lines of any mans Land of more Ancient Survey nor into Lands reserved for his Lordships use and return your Certificate of Such resurvey with fair plotts of the af^d three parcell of Land unto his Lordship and Council at the City of S^t Marys with all Convenient Speed and for So doing this Shall be your Warrant Given under the Lesser Seale of the province this 26th Day of February in the Ninth year of his Lordships Dominion etc. Annoque Dom 1683/4 Nich^o Sewall John Darnall. To the Honourable George Talbott Esq^r Seveyor Generall or Deputy These. Which Warrant being issued his Lordships officers refused to grant the Said W^m a Patent for his Lands af^d Untill the right thereto Should be Determined but granted the Said Smithson of Talbott County who Survived the other of that name a Patent for the Land Called Sectar as it appears recorded in his Said Lordships Land office Lib^o C: C: N^o 4. page 89 Dated the first day of October Anno Dom 1698 as also a patent for the Land Called Cumberland as it appears recorded in the Land Records of the Province Lib: W: D: page 222 dated the 7th day of May anno Dom 1700 without having the allegations of the Said Petition proved or ever Calling the Said William to Shew any Cause to the Contrary Altho your Orators can fairly make it appear that the Said Lands were Surveyed by a Lawfull Warrant and that the Warrant was paid for That your Orator hope it Sufficiently appears that the Said Special Warrant was issued Contrary to his Lordship's Designe and the Intent of the order of Council whereon 'twas Supposed to be founded being issued without regard had to the Proviso or Conditions whereon 'twas granted To Witt that the Allegations of the Said Petitioners Should be made appear and Altho your Orators can fairly make appear the falsity of those allegations on which the Said warrant was issued