

or parcel of land, situate, lying and being in America, bounded within the heads of the rivers Rappahannock and Potomac," were not at all inconsistent, nor could they by any rational construction clash with each other. The grant under which Fairfax claimed, having nothing upon the face of it that could excite the jealousy of Baltimore, and being much engaged with the Penn's, in settling his northern limits it does not appear that he thought any thing about it at first; and no adversary or other proceedings were at any time instituted by Fairfax or those under whom he claimed, against Baltimore, to settle any dispute, in regard to the division of the grant of the Northern Neck, and that of the Maryland charter. There was a dispute between Fairfax and the Governor of Virginia, relative to conflicting territorial claims which terminated by proceedings to which Baltimore was no party; "and of the existence of which he and his government appear to have had no knowledge before they were terminated. Mr. M'Mahon in his History of Maryland, says it appears in seventeen hundred and thirty-three, a petition was preferred by Fairfax to the King in Council, praying that a commission might issue for running and marking the dividing line between his grant and the Province of Virginia; and that the commission was accordingly issued, and the survey made and reported in August, seventeen hundred and thirty-seven. In December seventeen hundred and thirty eight these reports were referred to the consideration of the council for plantation affairs, by whom a report was made in seventeen hundred and forty-five, which determined the head springs of the Rappahannock and Potomac, and directed that a commission should issue to extend the line. This report was confirmed by the King in Council, and the line being adjusted in conformity to it, an act was passed by the General Assembly of Virginia, in the year seventeen hundred and forty-eight, which adopts the order in council, and confirms all previous grants made by the Crown, of land lying within the limits of the Fairfax grant."—The judgment of the King in form, is not known, except so far as it is recited in the Virginia act of seventeen hundred and forty-eight: that act recites several things in the following words: "*Whereas*, in the late dispute and controversy touching the limits and boundaries of the several letters patent granted by their late Majesties King Charles the second, and King James the Second, unto the ancestors of the Right Honorable Thomas Lord Fairfax, it hath been adjudged and determined by his present majesty in Council, that the said letters patent do include all that tract