

or territory of land between the rivers Potomac and Rappahannock, and the line now marked from the head spring of the said river Potomac to the head spring of the Rappahannock, commonly called the Conway, in which said tract or territory of land as is before described, many adventurers and planters have taken up great quantities of land, and obtained grants and patents thereof from the Crown under seal of this colony; *And whereas*, the said Thomas Lord Fairfax hath consented before the King in Council, that the several grants and patents made by the Crown of the lands included in the boundary aforesaid, should be confirmed to the several grantees, their heirs and assigns." The judgment of the King as recited in this act, although it is not so precise in the location, as the letters patent to Fairfax, ought nevertheless to be taken, as intending to fix the limits according to the letters patent. The judgment says, "that the said letters patent do include all that tract or territory of land between the rivers Potomac and Rappahannock:" the letters patent, "all that entire tract, territory, or parcel of land, situate, lying and being in America, and bounded within the heads of the rivers Rappahannock and Quiriough or Potomac river." Now it is fair to presume that the King intended nothing more than "the heads of the rivers Rappahannock and Quiriough or Potomac river," when he used the words, "between the rivers Potomac and Rappahannock." At all events in the opinion of your committee it gave no authority to plant the Fairfax stone on the North Branch, where it is now found. That was an after thought, and a contrivance by two interested parties, who had previously made litigation before the King for their mutual benefit. But it seems this act of seventeen hundred and forty-eight, intended to make the King declare in his judgment, that the boundaries of the several letters patent granted unto the ancestors of Fairfax extended to all that tract or territory of land between the rivers Potomac and Rappahannock, to enable Virginia and Fairfax to plant a stone at the head of the North Branch, when by the original grant itself it was limited to "all that entire tract, territory or parcel of land, situate, lying and being in America, and bounded within the heads of the rivers Rappahannock and Potomac." It is plain such a judgment with the construction given to it by Virginia and Fairfax was not authorised by the original letters patent, which were better defined and understood. But being in a controversy of Virginia on one side, who was interested in extending her jurisdiction, and Lord Fairfax on the other, who was interested in the increase of his lands, it is not at all surprising