

death of some of the proprietors, and by purchase from others of them, to Henry Earl of St. Albans, John Lord Berkeley, Sir William Morton, and John Treatherwey, Esq, they surrendered the original grant, for the purpose of receiving a new one for the same territory, for which they afterwards obtained letters patent. The title to the whole having vested in Thomas Lord Culpepper, a new patent was granted to him by King James the second, and "from him it descended to his daughter and only child, who was married to Lord Fairfax, and thus passed into the Fairfax family." The grant of domain to Lord Baltimore calling for the first fountain of the Potomac, and the grant of the right of soil afterwards, "of all that entire tract, territory 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 Penns' 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 government of Virginia relative to conflicting territorial claims, which terminated by proceedings to which Baltimore was no party; "and of the existance 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 prepared 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 di-