

rected 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 Honourable 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 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 com-