

mittee 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 that it was so adjusted. It enlarged the jurisdiction of Virginia, and Fairfax gained the whole country between the South and North Branch. It appears also by the act referred to, that Virginia and Fairfax run a line by consent, from the head spring of the said river Potomac to the head spring of the Rappahannock; beginning no doubt, at the place on the North Branch which has since been known by the Fairfax stone. The two interested parties, by a law suit which appears to have been carried on for their mutual benefit, got the King to decide that it shall be "between the rivers Potomac and Rappahannock," instead of "the heads of the rivers Rappahannock and Potomac," and then run a line making the head spring of the Potomac on the North Branch, where the Fairfax stone is now found. This was a plain usurpation of the rights of the elder Baltimore, being obtained through a decision in a cause to which he was no party, and of which he had no notice, and which afterwards received the protest of his successor, which was not made by his predecessor in consequence of his death. Some time in the year seventeen hundred and forty-eight, a land office for granting lands in the neck was opened by Fairfax, after the ex parte settlement of the boundary line between