

ty it lyeth, and of what manner to be holden, into the secretary's office with all convenient speed; and for so doing this shall be your warrant. Given under my hand and lesser seal of this province, the second day of August, in the 40th year of the dominion of Cæcilius, &c. Annoque Dom. 1671.

Signed per order and appointment of his excellency the general.

(L. S.) ROBERT RIDGELY, Clerk.

*To Robert Brooke, Esq. sur.gen'l, or his deputy,*"

LIBER, No. 13, fol. 131.

In the next case which it appears of use to insert, a warrant of resurvey is demanded by a person upon the land of another, for the purpose of establishing, against the owner's will, the main or only boundary thereof in order to defeat a design, attributed to the said owner of *letting fall* his patent, and making a new survey, to the prejudice of the petitioner. This case also exhibits a practice in use in the early and middle periods of the proprietary government, that of making resurveys under the direction of a jury empannelled and sworn by the sheriff of the county. The nature of this proceeding is so fully displayed in the following extracts, as to require no further remark.

BY JAMES WEATHERLY, A PETITION, VIZ.

*To the Hon'ble the Lord Proprietary and to his hon'ble Council.*

"The humble petition of James Weatherley of Somerset county sheweth, that Richard Whittmarsh of Accomack in the colony of Virginia, had granted unto him by letters patents under the greateseale of this province, bearing date the second day of October Anno Domini 1666: a parcell of land for 300 acres called Whittmarsh Delight in Nantecoke river in Somerset county, all whose right and title, of in and thereunto, the said Whittmarsh sold, assigned and sett over unto major Waters of Accomack aforesaid, who also sold the same to John Lyon of the aforesaid county of Somerset, the present possessor thereof; who being dubious of his title thereunto, not having the same legally made over according to the law of this province in such cases made and provided; it is intended to lett fall the patent for the same granted to the said Whittmarsh as aforesaid, and to take up the same quantity of land without the true bounds of the said tract, by running into a tract since surveyed for your petitioner and adjoining to Whittmarsh Delight aforesaid, under pretence that the same