

Lib. No. 86 As to the Second, We presume that the former Proprietors were not inclined to enter into Contests with the Crown; but this Intimation seems to imply that some measures or Instructions indicative of a peculiar Caution, have been pursued or given with which we are totally unacquainted, nor do we perceive how the late Dispute between the Colonies of Virginia & Pennsylvania, which has no relation to the limits of this Province, will afford an opportunity of representing the Proprietor's Claims with which no acts or Grants of the Government of Virginia, to our knowledge interfere. If the making of Surveys and issuing Patents with a view of effecting gradual & peaceable Settlements under the Charter should now be stopped upon the Principle of this objection, it may draw on, and encourage the Interposition of Virginia, and Arguments may be deduced against the Proprietor's Right from his reluctance to claim & exercise it. When the Bounds of the neighbouring Provinces are liable to controversy, settlements and Improvements have been always deemed advantageous to that Colony under whose Title & Government they were made. It cannot be disputed but that all the Land to the westward of Fort Cumberland in this Province, was subject to be taken up under the common Conditions of Plantations, and that the Restriction proceeded from the Order of Governor Sharpe, pursuant to an order from the Proprietary to reserve for him 10000 Acres. As the Restriction communicated by the late Governor's order to the Surveyor of Frederick County was not general, but for the particular purpose of securing a Reserve to the Proprietor, which has been fully answered; we therefore apprehend it was expedient to inform the Surveyor that he was no longer bound by it. If the Intention had been to reserve all Land to the westward of Fort Cumberland the Reservation of parcels was unnecessary, and the Order respecting Surveys would have been absolute & general instead of qualified & special.

p. 140 In consequence of the late Proprietor's Instruction a Line from the first Fountain Head of Patowmack was run at a considerable Expence to his Lordship, but for what Purpose was the Boundary ascertained, if no beneficial Consequence was to result from its Establishment?

p. 141 Further it appears to us that the small number of Surveys made to the Westward of Fort Cumberland, prior to the order of Governor Sharpe, was owing to the quantity of vacant Lands more valuable & conveniently situated, which were subject to the Conditions of Plantation. Antecedent to the above Prohibitory Order, we do not find that there was any kind of Restriction to prevent surveys to the westward, and this Order