

to the trial court for subsequent use. If there was any objection to the survey returned, as there was in some instances, a new one might be ordered, until the court had before it the outlining of contentions needed for the case. The practice in the early stages of its development is illustrated in the cases reported in 1 Harris & McHenry, pages 8 to 16. After 1695 the services of the jury of twelve were dispensed with; three instead of twelve men of the neighborhood were sometimes used, and finally only the sheriff and the surveyor were regularly ordered to make and return the resurveys. In the present record illustrations of both earlier and later practices are met with. In the case of *Grundy v. Rhoads' Lessee* (1694), two resurveys were made with the aid of juries of twelve men each. On the other hand, in *Alderne v. Seserson* (1697), the provincial court directed the warrant to Major Thomas Smithson, Capt. James Murphy, and Mr. John Salter, requiring them "to see the Land in the Declaration mentioned Surveyed and to direct the Surveyor in the resurveying of the Same according to the Ancient Meets and Bounds in the Pattent or Deed thereof Expressed: And they Did Proceed upon the Said Survey, and they together with the Surveyor made returns thereof to the Court . . . they being in the Nature or in the Place of an Inquest or Office to have the View of the Land;" and in the cases of *Merekin's Lessee v. Heath* and *Cooper v. Bayley*, in the years 1701 and 1708 respectively, the resurveys were directed to be made by the royal surveyors alone, or by some other agreed upon by the parties. The practice in its main features exists in Maryland today.

It has been the effort of the editors to reproduce the text without change or correction; capitalization, spelling, and punctuation have been followed strictly, even names obviously misspelled, as Junifer for Jenifer, Cumberlake for Camberlake, and the like, being left as written. But it has been deemed right that symbolic abbreviations and other shorthand expressions should be spelled out as they would have been in a contemporary printing. Thus, the words  $y^e$  and  $y^t$ , in which the  $y$ , a survival of the Anglo-Saxon runic letter, represented the sound of *th*, are spelled *the* and *that*,  $\overline{m}$  is printed *mm*, and  $\overline{on}$  as *tion*. A peculiar flourish used in the manuscript for *per*, *pre*, or *pro*, gives place to those letters, and the symbols  $\&$  and  $\&c$ , are reproduced as *and*, *etc*.

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