1785, the Legislature repealed the law of primogeniture the repealing act however not taking effect until the 1st of January 1787. About the same time, the Legislature of Maryland also repealed the law of primogeniture. The second warrant for 4000 acres of land, issued on the 1st of October 1798. to the "representative or representatives" of Philip Richard Francis Lee. The phraseology of the warrant of 1798. shews that the Governor & Register, of the Va. Land office, whose names, I believe are signed to this paper, very clearly, did not consider that the land passed under the primogeniture laws, or they surely would not have issued the warrant in 1798. to the representative or representatives of P. R. F. Lee. The warrant of 1784, was wholly cancelled & set aside. there was no entry, location or survey under it. The mere inchoate right, which existed under it never ripened into title. and there never was any patent under it. Its cancellation wholly avoided even the inchoate right. There was an entry, survey location, & I suppose patent, under the warrant of 1798. and that must form the basis & starting point, of the title. When that patent was granted, the primogeniture law had been repealed. I have then a very strong and decided impression, that all the heirs of Philip Richard Francis Lee, are entitled to participate in the benefit of this land claim. I am from a gentleman quite familiar with such claims that the established practice in reference to military claims arising from service in the war of the Revolution is to divide the property or its proceeds among all the heirs according to our present law of descents. The fact that the warrant of 1784. was cancelled certainly, I think, entitles the claim to serious examination.

The claim for commutation pay, being personal property, passes I have no doubt, to the brothers & sisters of the half blood of P. R. F. Lee, and their descendants, Mr. Dawson & others.

Very respectfully
Your Obt.
Francis Lee Smith

MdHS 1974 [1591-1655]