

of Virginia, met at Williamsburgh, to form the state constitution, and in the twenty-first section of that instrument, it is admitted, "the Territories contained within the charters erecting the colonies of Maryland and Pennsylvania, North and South Carolina are hereby ceded, released and forever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction and government and all other rights whatsoever." In this section Virginia abandoned the Territory within the limits of the Maryland charter. But having assumed the right to "*cede, release, confirm, &c. &c.*" which intimated that she had some previous right to the eminent domain. In the Maryland Convention, which met to form our constitution in the following month of October. it was resolved unanimously, as a protest, your committee believe, that Virginia had no right to any of the Territory, &c. included in the charter granted by Charles the first, to Caecilius Calvert, Baron of Baltimore."

The Fairfax stone now claimed as the beginning by Virginia, was planted by Lord Fairfax, and Virginia, without the knowledge or consent of Lord Baltimore, before the Convention met to form the Virginia constitution, and the planting that stone was doubtless known to most of the members of that Convention, yet our whole Territory within our chartered limits, was given up and abandoned, without pretending to claim the Fairfax stone as the place of beginning, leaving the great question of the first fountain, within the meaning of the charter open for future settlement.

4th. No one can doubt that the intention of the grantor in the charter to Lord Baltimore, ought and indeed must prevail, if left to the interpretation of a tribunal qualified and competent to give a just and correct decision. For the more complete protection of the interest of his favorite, the king declared in the 22d section of the charter, "and if peradventure it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause or sentence, contained in this our present charter, we will charge and command that interpretation to be applied always, and in all things and in all our courts and judicatories whatsoever, to obtain which, shall be judged to be the more beneficial, profitable and favorable to the aforesaid, now Baron of Baltimore, his heirs and assigns." For the better illustration of the intention of the charter in regard to the question of the first fountain of the Potomac, His Excellency, Robert Eden, Governor of the Pro-