

Thus Governor Eden's commissioners state, "we have found the most westerly fountain to be a fountain of the North fork of the South branch of the Potomac." The very first step was to seek for the fountain having the greatest relative extent to the west, and upon this survey, a plat was made, on which the north and south branches are laid down with a meridian running through the head of each, and the meridian through the head of the south branch, is upwards of twenty miles more west, than the meridian through the head of the north branch; in fact by taking the first fountain of the north fork of the south branch, as the first fountain of Potomac, to be within the meaning of the charter, you give to the grantee the greatest extent of eminent domain, and allow to his grant that construction most beneficial to him as directed in the 22d section. But if you make the first fountain of the north branch, the first fountain of Potomac, you diminish the quantity and extent of the eminent domain nearly half a million of acres; contrary to the manifest intention of that section, and injurious to the Baron of Baltimore. To avoid all mistakes or misconceptions in regard to the claim of Lord Baltimore, the commissioners in their report informed Governor Eden, "at the spring we proceeded from, we made a small wall of stone around it, and covered it with a large broad stone, on which we cut the letters C. L. D. B." The initials of the name and title of his Lordship's, were cut on stone in perpetual memory of his claim and the running of his commissioners—a new county is also mentioned, and all this did not even receive a protest from Lord Fairfax or Virginia, and indeed was virtually acknowledged by the latter in the twenty-first article of her Constitution made about five years afterwards. Grants for land also, were afterwards made, south of the north branch from the Land office, under the Proprietary Governor.

5th. If the country now in dispute, between Virginia and Maryland, was originally part of the eminent domain of Lord Baltimore, it has beyond dispute been vested in this state by virtue of his charter. How has Virginia then, it may be asked, acquired a right to claim it as belonging to her? Neither the Old Proprietary government, nor the government of this state, since the Revolution, have at any time parted with it by alienation, and it is equally clear to your committee that Virginia can have no claim to it by usucaption and prescription as known among nations. Usucaption "is the acquisition of domain founded on a long possession, uninterrupted and undisputed;" and prescription "is the exclusion of all pretensions to a right founded on the length of time,