

during which that right has been neglected." "It is the loss of an inherent right by virtue of a presumed consent." These axioms, it is true, are well settled by Vattel, Grotius, and Puffendorf, and cannot now be questioned by any civilized state or community.

The whole history of this affair, however, as appears in the report and appendix of 1831, puts down all such pretensions on the part of Virginia. About the year 1748, Lord Fairfax and Virginia planted the Fairfax stone, without the knowledge or consent of Baltimore. In 1753, Governor Sharp, in council, laid before the board a letter to be sent to Fairfax, by command of Lord Baltimore, to inquire into the true meridian and place of the fountain head of Potomac; in which he declares there has been a mistake in fixing the spring head on the North Branch. And in 1771 three commissioners, by order of Governor Eden, surveyed the north fork of the South Branch, and selected the first fountain of that fork, as the first fountain of the charter. In 1776, Virginia herself, in the 21st article of her constitution, acknowledged the territory contained within the Maryland charter to be the proper domain of this state, without pretending to confine her to the Fairfax stone, which proceeding was noticed by the Maryland convention in October, 1776.

The Declaration of Independence was made the 4th of July, 1776, and the war of the revolution continued until the month of November, 1782, when the treaty of peace was made; during which period both states were otherwise engaged. In 1788 this state, by the act of November session of that year, passed for laying out the soldier's lots, declared, as a protest, your committee believe, "That the line to which said Francis Deakins has laid out the said lots (soldier's lots) is in the opinion of the General Assembly, far within that, which this state may rightfully claim as its Western boundary, and that at a time of more leisure, the consideration of the Legislature ought to be drawn to the western boundaries of this state as objects of very great importance." In 1795, this state, by resolution, appointed commissioners to meet commissioners from Virginia to settle our southern and western limits, which were sent by Governor Stone to the Governor of Virginia, December 25, 1795, and on the 9th of January, 1796, Governor Brooke of Virginia acknowledged the receipt of these resolutions, admitting the question of dispute to be open, with a promise to lay the Maryland proposition before his Legislature.