

After the legislation and negotiation which have already been had as to our northern and western line, and the many able and lucid reports of committees in relation to it, your committee have not deemed it necessary to go into a minute detail of the history of the pretensions of Maryland to this territory. It may be sufficient to state that Virginia claims to run the divisional line precisely as the present bill proposes to run it; starting at what is called the "Fairfax Stone," and running due north to the Pennsylvania line, and that Maryland by the terms of her charter is entitled to begin that north course at the first fountain or head spring of the river Potomac, which has been ascertained to be the extreme source of the south branch of that river.

"The Fairfax Stone" was placed by Lord Fairfax at or near the source of the north branch, and was set up without the knowledge or consent of the Proprietary of Maryland. As soon as it was known it was accordingly resisted by Lord Baltimore, who by the then Governor, Sharp, of the Province, gave instructions as early as the year 1753, in the quaint language of the day, "to keep a good look out, and prohibit settlements under Fairfax in the country north of the south branch."

The Convention that met in 1776, and framed the present Constitution of Maryland, mindful of the encroachment of Virginia upon our borders, and of the just rights of the people of the State,—

*"Resolved unanimously, that the State of Virginia hath not any right or title to any of the territory, bays, rivers or waters, included in the charter granted by his Majesty, Charles the 1st, to Cecelius Calvert, Baron of Baltimore."*

Before that time, about the year 1771, Col. Cresap had, at the instance of the Proprietary Government, made a survey, and clearly ascertained that the first fountain of the Potomac, was the source of the south, and not the north branch.

The south branch originates in the county of Pendleton, in Virginia, and a line run thence due north, would pass through, as before stated, the counties of Randolph and Preston, and would, according to the estimate of the late William Cook, include within our limits four hundred and sixty-two thousand four hundred and eighty