

RESOLUTIONS

from causes not necessary to repeat in this report, yet it was a matter conceded on all hands long before the revolution, that the grantee was entitled to all the domain included in his true legitimate boundaries, as mentioned and intended by the charter, wheresoever they might be found; and there can be no question that the same right of domain within the true limits of the charter, passed to this state after the revolution. This as far as your committee have been able to discover, was at no time doubted on the part of Virginia. And so far as your committee have been able to learn, this state has done nothing to divest herself of this domain. It will appear in a subsequent part of this report, that the planting of the Fairfax stone, was done without any authority from the elder Baltimore, or from Frederick Lord Baltimore. The latter, it appears from the council proceedings of Maryland, instructed his governor Sharpe, in seventeen hundred and fifty three, to "keep a good look out, and prohibit settlements under Fairfax, in the country north of the South Branch," and this state in the convention when our constitution was formed, passed several resolutions more particularly referred to hereafter, amounting to a solemn protest against any claim of Virginia to the country within our chartered limits. Nor is there any well founded claim to the country on the part of Virginia, by usucaption and prescription known among nations. Usucaption is the acquisition of domain founded on a long possession, uninterrupted and undisputed, from which there may be a presumed desertion. Such principles would suppose that this state had entirely neglected that which belongs to her, and had left it with all the appearances of a thing utterly abandoned. But every important event in our history touching this subject, shows a continual claim, on our part, down to the year eighteen hundred and eighteen, when certain matters of compromise were offered, but not being accepted, remitted this state to her original rights.

3. In regard to the duty devolved upon your committee by the third resolution, to ascertain what is the first fountain of the Potomac, it is scarcely necessary to remind the senate, that the true boundary between this state and the state of Virginia, has always depended upon that single question, which could have been settled at any time by actual survey of the waters, if made in a spirit of sincerity and candor by both states, and with such an interpretation of the charter as was manifestly intended. Your committee are of opinion, that there is a moral obligation upon states, as well as upon individuals, to do justice to each other, and if it was a moral duty on the part of Virginia, at