

cognition purely from abundant caution, and to prevent quarrels and misunderstandings with her sister Maryland during the revolutionary struggle, it is nevertheless a recognition of our territorial limits within the charter, to the utmost extent of our true boundaries, when fully ascertained and defined. Or if she had any possible imaginary right to any territory within the limits of our charter, it was all absolutely ceded and released by her constitution to Maryland, although becoming subject to the compact made afterwards in seventeen hundred and eighty-five.—But even in the struggle of the revolution, Maryland did not forget to enter her solemn protest against the proceedings of Virginia, in regard to her territorial limits, and on the thirtieth of October, seventeen hundred and seventy six, in the Maryland Convention which met to form our constitution, the twenty-first article of the constitution of Virginia, referred to in this report, was taken into consideration, and the following resolutions as a protest, were unanimously adopted.

“Resolved unanimously, that it is the opinion of this convention, 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 first, to Cæcelius Calvert, Baron of Baltimore.”

“Resolved unanimously, that it is the opinion of this convention, that the sole and exclusive jurisdiction, over the territory, bays, rivers, and waters, included in the said charter, belongs to this state, and that the river Potomac, and almost the whole of the river Pocomoke, being comprehended in the said charter, the sole and exclusive jurisdiction over the said river Potomac, and also over such part of the river Pocomoke as is comprehended in the said charter, belongs to this state, and that the river Potomac, and that part of the Chesapeake bay, which lies between the Capes and the south boundary of this state, and so much thereof as is necessary to the navigation of the rivers Potomac and Pocomoke, ought to be considered as a common highway free for the people of both states, without being subject to any duty, burthen or charge, as hath been heretofore accustomed.”

“Resolved unanimously, that it is the opinion of this convention, that the very extensive claim of the state of Virginia to the back lands, hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the smaller states, and the liberties of America, may be thereby greatly endangered.”

It is manifest that Virginia had no authority to give, take away, or reserve, any portion of the country which was