

settled and in possession of the Indian natives, there was some difference of opinion, whether the north or the south branch of the river was the longest and extended furthest westwardly.—But so soon as this fact was ascertained, there being not the least doubt about the application of the call in the charter to the south branch, as the longest, the lord proprietary of Maryland proceeded to issue patents for lands lying between the north and the south branch of the Potomac, as being rightfully a part of the territory which had been granted to him—Landh. Ass. 173.

Soon after the settlements of Virginia were extended westwardly over the valley of the Shenandoa, a controversy arose between the colony of Virginia and Lord Fairfax as to the extent of the grant which he had obtained for the northern neck of Virginia; which called for all the land "bounded by and within the first heads or springs of the rivers Tappahannock, alias Rappahannock, and Quirough, alias Potomac, rivers, the courses of the said rivers, from their said first heads or springs, as they were commonly called and known by the inhabitants, and descriptions of those parts." In the adjustment of this controversy, to which the proprietary of Maryland was in no way a party, the claim of lord Fairfax, about the year 1748, was pushed over to the north branch of the Potomac, as being the true location of his grant. (Revised Code Virg. 5, 10.) But these parties, as will be seen by a single glance at the map, were both of them interested in having Lord Fairfax's claim thus located and adjusted; Virginia, because she would be deprived by it of the least quantity of her territory; and, Fairfax, because he would gain more land, and of better quality lying between the two branches of the Potomac, than he would lose of barran mountain, lying between the head spring of the south branch, and that of the Rappahannock: In consequence of this adjustment of the pretension of others, so much to the prejudice of the Lord Proprietary of Maryland, he determined, soon after the settlement of his province was allowed, by the British King, to be extended toward those borders, to have his claim submitted to the King in Council: the common umpire and tribunal in the last resort, which at that time, entertained an absolute jurisdiction over such matters; but the revolutionary war breaking out about the same period the affair was, for the time, put to rest.—Land. Ass. 173.

Since the close of the revolution, Maryland has never lost sight of this her just claim; and by resolutions repeatedly passed by her general assembly, the state of Virginia has been invited to appoint commissioners, on her part, for the purpose of having the boundary between them amicably, entirely and finally adjusted, designated and settled. But owing to causes, of the nature of which this assembly are not apprised, those invitations have not been attended to by the state of Virginia, and the true location of the divisional line between them yet remains unascertained.

This assembly feel it to be the duty of this state, and believe it to be that of every other member of the confederacy, to prevent and remove, by every possible means in its power, every cause of ill feeling or ground of controversy which may be, in any manner, likely to disturb the harmony of the Union. During the existence of the articles of confederation, which provided for the institution of a tribunal for deciding on controversies between two or more states concerning *boundary* jurisdiction or any other cause, several instances occurred in which congress was called on, and interposed for the purpose of adjusting the boundary between neighboring states. (6 Cran. 106.) And the great object in the adoption of the present constitution of the United States was to harmonize and bind together all the several states in one indissoluble bond of union, and several of the express provisions of the federal constitution appear to have a direct reference to this subject of *controverted boundary*. (2 Dal. 449—4 Dal. 1, 6.)

It seems, therefore, to this assembly peculiarly fit, and suitable, in such a matter of controversy as that which now exists between this state and the state of Virginia, relative to the boundary between them, that they should call upon their common protector, umpire and friend the government of the United States, to lend its aid, and to interpose its good offices for the purpose of effecting a full, fair and final adjustment of this whole matter; and the occasion also, appears to this assembly, to be singularly seasonable and propitious, when the national government, for great *national* purposes, is about, of its own accord, to make a survey along this very controverted boundary, which may result in that government's asking of the state of Maryland to make a surrender of the right of soil, or of privileges, or of jurisdiction, that she should be enabled to act fairly, rightfully and understandingly in ceding, or in withholding that which was clearly her own and no more than her own—Therefore,

Resolved, That this assembly do highly approve of the proposal of the President of the United States to make full and accurate surveys of a great national canal route for connecting the Atlantic with the western country by a line passing through the seat of government; and also of the several routes through which the waters of the Ohio may be connected by canals with those of lake Erie, and they do also most respectfully beg and hope, that those canal routes for connecting the waters of the Susquehanna with those of the Ohio river, as well as with the waters of the lakes Erie and Ontario may be in like manner explored, examined and estimated with care and precision; since, in a *national point of view*, they may be found to be of very great, if not, of the very highest importance for both military and commercial purposes to the whole United States.

Resolved, That it is deemed fit and proper, before the state of Maryland grants any rights or privileges in or near the river Potomac, for the purpose of improving its navigation by canals or otherwise, that the southern and western boundary of this state should be fully and finally adjusted and settled. And for the purpose of effecting this great object, the governor

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