

terms of commencing at the particular spot at which was placed the stone called the "Fairfax Stone."

All the intelligence which could be procured, and a plot of the various streams forming the head waters of the North Branch of the Potomac, of the correctness of which, there was every reason to be convinced, had persuaded me that the Fairfax stone was not situated at the most western source of the North Branch.

These facts suggested the conclusion, that to avoid additional expense to the state, we should decline all further negotiation.

Upon our proposing to the Virginia commissioners the inquiry, whether they held themselves concluded by the terms of their act of assembly or their commission, to commence the location of the line at the Fairfax stone? they declined giving such a definite answer as would have justified us in terminating the negotiation.

We therefore proceeded to an examination of the several streams forming the head waters of the North Branch, and to trace to its source the stream, at the fountain of which is placed the Fairfax stone.

The examination resulted in the entire conviction of the commissioners from Maryland, that the point at which the Fairfax stone was placed, could not be considered the most westerly source, or the first fountain of the North Branch.

With this conviction on the part of the Maryland commissioners, the correspondence was conducted with the Virginia commissioners, which is communicated with Col. Boyle's report, to which for this purpose I must refer.

Anticipating the possibility of a future prosecution of the claim of this state to all the territory north of the South Branch, which the legislature by the act of 1818, had for the first time manifested an intention upon any terms to relinquish, and then as it would appear, only in a liberal spirit of compromise, it occurred to me that we should cautiously guard against a course of proceeding by which such a claim would in any manner be weakened or injured, in the event of a failure on the part of the state of Virginia to meet the liberal views of the act of 1818.

The language of the Virginia commissioners appeared to justify the inference, that they too had reference to ulterior measures which might grow out of the present effort to conclude an arrangement on the subject.

These considerations induced me to differ with my friend Col. Boyle on the propriety of remarking on the strange and