

ginning, it was deemed most expedient to visit it, and ascertain if this call would answer that of the Maryland act, and if not how far Fairfax stone might be distant from "the most western source of the North Branch of the Potomac river," which was the point of beginning specified in the Maryland law. It was soon discovered that the difference between the two places beginning embraced a section of country about one mile in width and thirty six miles in length, which was deemed too important to be abandoned unless under express instructions to that effect. The reasons which induced the Maryland commissioners to terminate the business of adjustment, will be found at length in copies of the correspondence herewith transmitted, marked A, B, C, D, E. I declined taking a meridional line because the transit instrument had been rendered useless, and I wished the state to express some opinion upon the point of beginning.

If the legislature of Maryland contemplated new modeling their law to meet the views of Virginia, it will be necessary to give to the commissioners the power to summon and swear witnesses, and to vest a majority of the commissioners with the powers of the whole.

If upon an investigation of the title the state has, it should be found that the act of 1718, ch. 206, if acted under, will be an abandonment of the rights of Maryland to nearly an half a million of acres of territory, it may be considered fortunate that the phraseology of the Virginia and Maryland laws have essentially differed from each other.

The only question for consideration is, whether the North or South Branch is to be considered "the first fountain of the river Potomac." The consideration of that question, the charter granted to Cecil Lord Baron of Baltimore, bearing date at Westminster, the twentieth day of June in the year of Charles the second, the charter granted to Ralph Lord Hopton and others, bearing date at St. Germain's en Ley the eighteenth of September, in the first year of Charles the second, other letters patent to Henry Earl of St. Albans and others, bearing date the eight day of May in the one and twentieth year of the said reign, and other letters patent to Thomas Lord Culpepper, bearing date at Westminster the twenty seventh day of September in the fourth year of James the second, must be construed in strict connection. I do not consider it irrelevant to the