

subject, here to remark, that properly authenticated copies of these charters are not to be obtained either in Maryland or Virginia, and what appears strikingly strange no copy which would be admitted as evidence by a tribunal properly constituted to decide this dispute, exists on this side of the Atlantic, of the original charter granted to Lord Baltimore, the adventurous and venerable founder of Maryland.

These grants of the first, eight and twenty first of Charles the second and the fourth of James the second, contained, as is alleged, the disputed territory to which Thomas Lord Culpepper became the sole heir, and whose right, if any he had, descended to his heir at law Thomas Lord Fairfax, Baron of Cameron, who came into America, opened a land office, and made grants, but he like Lord Baltimore, was prohibited from making grants in this portion of territory by a royal proclamation dated the seventh of October 1763.

Thomas Lord Fairfax, Baron of Cameron, died, having devised his right to Denny Fairfax. About the time of the death of Lord Fairfax, the colony of Virginia having become an independent and sovereign power, asserted its right to this territory, founding its claim on the principle of Denny Fairfax being an alien obtained possession of the records, documents and entries of lands made by individuals in the land office of Thomas Lord Fairfax, removed the same to the city of Richmond, and placed them in the keeping of the register of the land office there, and commenced issuing warrants.

In the year 1796, or perhaps earlier, a company of gentlemen, of whom John Marshall, the present chief justice of the United States was one, purchased from Denny Fairfax the aforementioned devisee, all his claim, and the commonwealth of Virginia subsequently obtained the right of those gentlemen. The question still recurs to the phraseology of the original charters, and the locations of the first fountain of the river Potomac. If the South Branch, traced to its source, be the first fountain, then the act of 1718, ch 206, will be an abandonment of nearly an half a million of acres, a large portion of which is extremely and proverbially fertile.

The present line (as it is called by a vulgar error) between Virginia and Maryland, was laid down by Francis Deakins with a view to locate bounties of land to the warworn vet