

ded in the charter granted by Charles the first to Cælius Calvert, Baron of Baltimore.”

The Fairfax stone now claimed as the beginning by Virginia was planted by Lord Fairfax, and Virginia without the knowledge or consent of Lord Baltimore, before the convention met to form the Virginia constitution, and the planting that stone was doubtless known to most of the members of that convention, yet our whole territory within our chartered limits, was given up and abandoned, without pretending to claim the Fairfax stone as the place of beginning, leaving the great question of the first fountain within the meaning of the charter open for future settlement.

4th. No one can doubt that the intention of the grantor in the charter to Lord Baltimore, ought and indeed must prevail, if left to the interpretation of a tribunal qualified and competent to give a just and correct decision. For the more complete protection of the interest of his favorite. “The King declared in the 22d section of the charter, and if peradventure it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause or sentence, contained in this our present charter, we will charge and command, that interpretation to be applied always, and in all things, and in all our courts and judicatories whatsoever, to obtain which, shall be judged to be the more beneficial, profitable and favorable to the aforesaid now Baron of Baltimore, his heirs and assigns.”

For the better illustration of the intention of the charter in regard to the question of the first fountain of Potomac, His Excellency, Robert Eden, Governor of the Province of Maryland, some time in the year 1771, appointed three commissioners with authority to proceed to the head of the South Branch, in search of its most Western Fountain, to get a meridian, and to see the relative extent and bearings to the west of the first fountain of the north and south branches. The commissioners took upon themselves the duties assigned them and made an