

Lord Fairfax, or Virginia, and indeed was virtually acknowledged by the latter in the twenty first article of her Constitution, made about five years afterwards. Grants for land also, were afterwards made south of the north branch from the Land Office, under the proprietary Governor.

5. If the country now in dispute, between Virginia and Maryland, was originally part of the eminent domain of Lord Baltimore, it has beyond dispute been vested in this state by virtue of his charter. How has Virginia then, it may be asked, acquired a right to claim it as belonging to her. Neither the old proprietary government nor the government of this state since the revolution, have at any time parted with it by alienation, and it is equally clear to your committee that Virginia can have no claim to it by usucaption and perscription as known among nations." "Usucaption is the acquisition of domain founded on a long possession *uninterrupted and undisputed*" and prescription "is the exclusion of all pretensions to a right founded on the length of time, during which that right has been *neglected*." "It is the loss of an inherent right by virtue of a *presumed consent*." These axioms, it is true, are well settled by Vattel, Grotius, and Puffendorf, and cannot now be questioned by any civilized state or community. The whole history of this affair, however, as appears in the report and appendix of 1831, puts down all such prehensions on the part of Virginia. About the year 1748, Lord Fairfax and Virginia planted the Fairfax stone without the knowledge or consent of Lord Baltimore. In 1753 Governor Sharp in council laid before the board a letter to be sent to Fairfax by command of Lord Baltimore to inquire into the true meridian and place of the fountain head of Patomac:—in which he declares there has been a mistake in fixing the spring head on the North Branch. And in 1771 three commissioners by order of Governor Eden, surveyed the north fork of the South Branch, and selected the first fountain of that fork, as the first fountain of the charter. In 1776 Virginia herself in the 21st article of her constitution acknowledged the territory contained within the Maryland charter to be the proper domain of this state, without pretending to confine her to the Fair-