

western boundary at a stone planted by Lord Fairfax, on the head waters of the Potomac; and thus they were tied down to the old adjustment between Fairfax and the Crown. The Virginia act therefore was entirely different from that of Maryland, which directed the commissioners to begin at the most western source of the North Branch, and did not justify the appointment of commissioners on the part of Maryland. Our act of eighteen hundred and eighteen, expressly directed that the appointment on the part of this state should be made only after Virginia had embraced its propositions, by the passage of a similar act. But this was overlooked by the executive of Maryland; and commissioners were appointed on the part of both states, who assembled on the head waters of Potomac in the summer of eighteen hundred and twenty-four. McMahon's History of Maryland. But the instructions of the Virginia commissioners being confined to the Fairfax stone, put an end to all further negotiations. By an act of eighteen hundred and eighteen, the executive of this state had no authority to appoint commissioners until a similar act was passed by Virginia; and as no similar act ever did pass by the latter, the appointment of commissioners by the executive of this state, was premature and unauthorised, although done from patriotic motives. This state therefore, is no way committed or obliged to be confined to the most western source of the North Branch, because it being an offer of compromise, and refused by Virginia, Maryland is remitted to her original rights. As however, the proceedings of this state, under the act of eighteen hundred and eighteen, were intended on our part to settle in an amicable way our southern and western limits, the committee respectfully, refer to the correspondence between the commissioners appointed by both states. At the moment of their assemblage, the Virginia commissioners opened their instructions which confined the beginning at the Fairfax stone, which was repelled with becoming energy and decision on the part of our commissioners.

In another part of this report, the committee have fully shewn, that the Fairfax stone, was planted by two interested parties, Virginia and Lord Fairfax, without the knowledge or consent of either of the Baltimores, and by a proceeding to which neither of them was a party. That Virginia in her constitution made an express recognition of our rights within the limits of our charter, without confining us to the Fairfax stone, but evidently intending an ascertainment of these limits according to the true intent and meaning of our charter. It has therefore surprised your committee, that the state of Virginia, so enlightened, just and