

ceding, surrender to the States receiving, not to a general government, distinct in its capacities and powers, or to a congress, but to the States, for their use as States; free, sovereign and independent communities, not as particles of one blended mass. Had the surrenders been otherwise made, there would have been no necessity for specifically including the State ceding within the express terms of cession: for the cession to a general power, having control over the whole, would, without specific enumeration, have included all. Then, whether we consider the claims of those States not possessing within their limits any portion of the public territory, as originating in conquest, confirmed by treaty with Great Britain, or resulting from the cessions of the States possessing it, the same conclusion is necessarily reached, that the claims exist in the States, as such, and not in the General Government; and that unless after or during the formation of the federal constitution, the States parted with all these acquired rights to the General Government, they remain still residing in the States, subject to the action of their common agent.

In this view of the subject, your committee cannot acknowledge either of the positions assumed by His Excellency: first, the cessions and acceptance of the public lands "formed a compact between the General Government and the States;" secondly, that by this means "all the States secure the benefit of having a common fund provided for discharging the debts and defraying the expenses of the General Government." Still less are we convinced of the accuracy of another argument of His Excellency, "that the States evidently intended that the territory, and the revenue arising from it, should be surrendered to the United States, as a common fund, for paying the general charge and expenditure; or, in other words, for paying the debts and defraying the expenses of the General Government." Apart from the fact previously urged by your committee, that the cessions were from States to States, for their use and benefit, and that as no general government, properly so called, existed at the period to constitute a distinct, deliberate party to the supposed "compact," there could have been no such compact as His Excellency argues upon. Your committee would observe, that the claims of the several States (not possessing within their limits the territory) to these lands, were based, not upon the duty of the Congress to provide a general fund for ordinary expenses of government, but upon the assumption of an absolute right, on the part of all the States, to