

ture harmony of the states required, that the extent and ultimate population of the several states, should not be so disproportionate, as they would be if their nominal limits should be retained.

This state, as early as the 30th October 1776, expressed its decided opinion, in relation to the vacant lands, by an unanimous resolution of the convention, which frame our constitution and form of government, in the following words, viz. "Resolved unanimously, That it is the opinion of this convention, that the very extensive claim of the state of Virginia to the back lands hath no foundation in justice, and that if the same, or any like claim is admitted, the freedom of the smaller states and the liberties of America may be thereby greatly endangered; this convention being firmly persuaded, that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free, and independent governments."

In the years 1777 and 1778, the general assembly, by resolves, and instructions to their delegates in congress, expressed their sentiments in support of their claim to a participation in these lands, in still stronger language, and declined acceding to the confederation, on account of the refusal of the states claiming them exclusively to cede them to the United States. They continued to decline, on the same grounds, until 1781, when to prevent the injurious impression, that dissention existed among the states occasioned by the refusal of Maryland to join the confederation, they authorised their delegates in congress to subscribe the articles; protesting, however, at the same time, against the inference, (which might otherwise have been drawn,) that Maryland had relinquished its claim to a participation in the western lands.

Most of the other states contended, on similar grounds with those taken by Maryland, for a participation in those lands.

By the treaty of peace in 1783, Great Britain relinquished "to the United States all claim to government property, and territorial rights of the same, and every part thereof."

The justice and sound policy of ceding the unsettled lands, urged with great earnestness and force by those states, which had united in conquering them from Great Britain, strengthened by the surrender, on the part of Great Britain, of her rights of property and jurisdiction to the United States collectively, and aided moreover, by the elevated and patriotic spirit of disinterestedness and conciliation, which then animated the whole confederation, at length made the requisite impression upon the states, which had exclusively claimed those lands; and each of them, with the exception of Georgia, made cessions of their respective claims within a few years after the peace. Those states were Massachusetts, Connecticut, New-York, Virginia, North Carolina, and South Carolina, the charters of which, with the exception of New-York, extended westwardly to the South Sea or Pacific Ocean. This circumstance gave to Massachusetts and Connecticut a joint claim with Virginia, to such parts of what was then called the North Western Territory, as came within the breadth of their respective charters. The rest of that territory lay within the limits of the charter of Virginia. New-York, indeed, had an indefinite claim to a part of it. Cessions, however, from all these states, at length completed the title of the United States, and placed it beyond all controversy.

The state of North-Carolina ceded its claim to the territory which now constitutes the state of Tennessee.

Georgia, (whose charter also extended westwardly to the Pacific Ocean,) at length, in 1802, ceded the territory, which now constitutes the states of Mississippi and Alabama, except a small part on the south side of them, which was acquired under the treaty ceding Louisiana. The conditions of that cession were, that the United States should pay one million two hundred thousand dollars to Georgia, and extinguish the Indian title within the limits, which she reserved.

The United States have, in this manner, acquired an indisputable title to all the public lands east of the Mississippi.

All the territory west of the Mississippi, together with the southern extremity of the states of Mississippi and Alabama, was purchased of France for fifteen millions of dollars. This sum, as well as the sums required for the purchase of the Indian title to the public lands, was paid out of the treasury of the United States.

So far therefore as acquisition of public lands has been made by purchase, it has been at the common expense—so far as it has been made by war, it has been by the common force—and so far as it has been made by cessions from individual states, it has been upon the ground, expressly stipulated in most of the acts or deeds of cession, that the lands should be "considered," to use the words of the act passed for that purpose by the state which made the largest cession, "as a common fund, for the use and benefit of such of the states as have become, or shall become, members of the confederation or federal alliance of said states, according to their usual respective proportions in the general charge and expenditure, and shall faithfully and bona fide be disposed of for that purpose, and for no other use or purpose whatsoever."

In whatever point of view therefore the public lands are considered, whether as acquired by purchase, conquest or cession, they are emphatically the common property of the Union. They ought to enure, therefore, to the common use and benefit of all the states, in just proportions, and cannot be appropriated to the use and benefit of any particular state or states, to the exclusion of the others, without infringement of the principles, upon which cessions from states were expressly made, and a violation of the spirit of our national compact, as well as the principles of justice and sound policy.

So far as these lands have been sold, and the proceeds been received into the national treasury, all the states have derived a justly proportionate benefit from them:—So far as they have been appropriated for purposes of defence, there is no ground for complaint; for the defence of every part of the country is a common concern:—So far, in a word, as the proceeds have been applied to national, and not to state purposes, although the expenditure may have been local, the course of the general government has been consonant to the principles and spirit of the Federal Constitution. But so far as appropriations have been made, in favour of any state or states, to the exclusion of the rest, where the appropriations would have been beneficial, and might have been extended to all alike, your committee conceive there has been a departure from that line of policy, which impartial justice, so essential to the peace, harmony, and stability of the union, imperiously prescribes.

Your committee then proceed to inquire, whether the acts of congress, in relation to appropriations of public lands, have been conformable to the dictates of impartial justice.