

demand—we find her chief executive officer abandoning a right sustained in the midst of calamitous war, and volunteering the opinion, that the assertion of it in the only practicable mode, would be “a violation of the constitution of the United States.” Without presuming to question the sincerity of this opinion, your committee would repeat their regret, that uncalled for by any constitutional obligation, his Excellency should have deemed it necessary, while depicting in the darkest and most sombre hues, our State distresses and difficulties, (for relief from which he suggests no remedy,) to deny a right of essential importance, and so consecrated in our memories, by our deep respect for the firmness, dignity and wisdom of our forefathers.

Reiterating the opinion, that the public lands of the union were the common property of the States, by virtue of common conquest and treaty of peace, and that no relinquishment of claims necessary to their absolute title, your committee now proceed to show, that the right of Maryland to a proportionate distribution of the proceeds of the public lands, is not affected or impaired, by locating the absolute dominion of them in the States within whose chartered limits they were included; and further, that his Excellency in arguing upon this assumption, has given a construction to the deeds of cession, not warranted by their terms. Your committee have already recited the instructions of Maryland, and the resolutions of the Congress. At this time, the confederation was established, and it will be seen that the powers granted by these articles to the general Congress, were specific and limited. Power over the public territory was particularly prohibited, without the consent of the State including it. Though the States were thus bounded, for the purposes of common defence, they were entirely separate and distinct, as to all powers and relations not expressly embraced by the articles; Maryland acceding to the confederation with the express reservation of her claims to share in the vacant territory. We come now to the cessions of the States, and as is necessary for the purposes of this argument, your committee proceed to recite the terms of these cessions—first, as showing the objects, and next as to the limitations of the terms. By a resolution of March 1st, 1781, the State of New-York, referring to the recommendation of Congress before recited, and acknowledging that a portion of waste and uncultivated territory, within the limits or claims of certain States, ought to be appropriated, as a common fund, for the expenses of the