

admission of new States formed by its settlement. The clause "of disposition" of it, was first suggested by Mr. Madison, on the 18th of August, 1787, in the following words: "to dispose of the unappropriated lands of the United States." On the 30th of August, Mr. Martin moved to take up the following: "The Legislature of the United States shall have power to erect new States, within, as well as without, the territory claimed by the several States, or either of them, and admit the same into the union; provided, that nothing in this constitution shall be construed to affect the claim of the United States, to vacant lands ceded to them by the late treaty of peace." This was rejected, New-Jersey, Delaware, and Maryland, voting for it.

Mr. Carroll moved to add the same clause from the proviso, to a proposition of Gouverneur Morris, as to the admission of new States.

"This," he said, "might be understood, as relating to lands not claimed by any particular States, but he had in view also some of the claims of particular States."

Mr. Madison did not view the proviso of Mr. Carroll as dangerous, but to make it neutral and fair, it ought to be declared that the claims of particular States should not be affected.

Mr. Carroll withdrew his motion, and moved the following: "Nothing in this constitution shall be construed to alter the claims of the United States or of the individual States to the western territory; but all such claims shall be examined into and decided by the Supreme Court."

Mr. Morris moved to postpone this, in order to take up "the proposition" finally adopted by the Congress.

Mr. L. Martin moved to amend it by adding, "but all such claims may be examined into and decided upon by the Supreme Court of the United States."

Mr. Morris stated it to be necessary, as all suits to which the United States are parties, are already to be decided by the Supreme Court.

Mr. Martin—"It is proper in order to remove all doubt upon this point"—this amendment being rejected, Maryland alone voted against the clause now forming a part of the constitution referred to by the committee. (Madison papers, from 1463 to 1467.)

Your committee have thus minutely extracted the debates upon this point, as necessary to the elucidation of the position they assume, that the clause cited is not to be deemed in the nature of a surrender to the general government, of an absolute interest in the public territory.