

Amesbury
Mass

the General Government and the States. The ceding States relinquished a portion of disputed Territory, which they could not have retained without dispoiling the Union, not depending with their separate force. All the States secured the benefit of having a common fund, providing for discharging the debts, and defraying the expenses of the General Government, and for relieving themselves, to the extent of their funds, from their respective proportions of the "general charge & expenditures."

The United States were bound to indemnify the States for expenses previously incurred, and were obliged to purchase the Indian titles, and make large preliminary expenditures, before the lands could be sold; and if they were not entitled to the proceeds of sales, they assumed all the burdens of the Compact, without deriving a single advantage from it. The States however 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 expenditures, or in other words, for discharging the debts, and defraying the expenses of the General Government. In none of the deeds of Cession is there to be found a reservation of this fund for the separate use of the different members of the Union; or any stipulation that it should be applied exclusively to the payment of the public debt, or the slightest intimation that it was to be distributed among the States for any purpose whatever.

The fourth article of the Constitution, recognizes the Territory as belonging to the United States.

Mr. Madison in the 38th N.º of the Federalist alludes to this territory, "as a mine of vast wealth to the United States;" and remarks, that a very large portion of this fund has already "been surrendered by the States." He then expresses the hope that the remaining States will give similar proofs of their equity, and generosity, and that the whole territory will become a national "stock." The remaining States subsequently relinquished their claims and the whole fund was surrendered to the Union.

Judge Marshall in delivering the opinion of the Supreme Court in the case of Johnson versus McIntosh, declares that "the States ceded that territory, generally to the United States, on conditions expressed in the deeds of Cession, which demonstrate the opinion, that they ceded the soil, as well as jurisdiction, and that in doing so, they granted a productive fund to the government of the Union."

It was granted when the States were bound by the articles