

The peculiar condition in which, from these circumstances, your committee has been placed, renders it necessary that in justice to the character of our good old State, and to relieve ourselves from the reproach of an unjust aim, we should enter upon a more detailed history of the public lands than would have been otherwise necessary.

Between the period of Cabot's discovery and the struggle with Great Britain, which terminated in her recognition of the independence of the United States, the whole territory now comprised within their limits, north of the Floridas and east of the Mississippi, was ceded at different periods, by the crown of Great Britain, to companies and individuals adventuring a discovery and settlements of the lands.

The grants thus made, were in several instances resumed by the crown, and made the subjects of the creation of royal governments, more defined in their territorial limits than in the original cessions. The right assumed by the crown to make such disposition of unoccupied territory was that of discovery. France recognized the doctrine, that discovery vests proprietorship in the soil, but contested the claims of Great Britain, to original discovery. This conflict was only ended by treaty in 1763,—the boundary then agreed upon between the possessors of these kingdoms, was the Mississippi river, from its source to the sea: "this treaty says Judge Marshall (*Johnson v. McIntosh* 5 Peters 532) expressly cedes and has always been understood to cede the whole country, on the English side of the dividing line between the two nations." "Great Britain on her part secured to France all her pretensions to the country west of the Mississippi. By the 20th article of the same treaty, Spain ceded Florida with its dependencies and all the country she claimed east, or south east of the Mississippi, to Great Britain."

It will be thus perceived, that prior to the revolution, Great Britain was the proprietary of all the territory, east of the Mississippi, subject only in her exercise of authority, to the restrictions which she had voluntarily acknowledged in her grants.

At that period, the colonial governments were New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North and South Carolina and Georgia. Of these, Virginia claimed, as part of her territory, all the land north of the