

river Ohio and west of Pennsylvania, limited only on the north by the ultimate boundary of the United States, and west by the Mississippi—Massachusetts, Connecticut, New York and North Carolina also alleged claims to all the vacant and unsettled lands within the limits of their respective charters; South Carolina and Georgia, made pretensions to the vacant lands south of the 35 degree of north latitude.

The war of the revolution commenced, as is known, prior to the confederation of these States, and no question of disputed rights with reference to the unsettled territory, was mooted, until the articles of confederation, were under discussion. The object of the contest was the achievement of independence,—to break the fetter of colonial relation to Great Britain; and the consequence upon the successful prosecution of these purposes, was the acquisition, of an uninhabited and unconquered territory, of larger extent and more fertility of soil, than the limits of the old thirteen could boast. This territory was acquired by common energy, a common sacrifice of life, and appropriation of funds in the ratio, not of extent of soil, but of lands actually surveyed or settled and improved. If the subject were here ended, your committee would still think that the territory thus acquired would enure to the benefit of all aiding in its acquisition and that the rights of States to vacant lands, by virtue of a charter, resting upon the claim of discovery and not based upon actual occupancy and settlement, were superceded by that more potent right—conquest. That the claims to vacant lands under *grants* could only be exclusively asserted by a recognition of the authority whence the grants issued and that with the fall and prostration of that authority, the virtue of the grants expired—and tracing the history of the public lands, to the period at which the Independence of the colonies was proclaimed, we should contend, that the rights created by the pen, were dissolved by the sword.—That the States, in throwing off their allegiance to Great Britain, cast the rights she had conferred, into the state of war, and contending in common,—in common won them. Suppose the contest had ended unfavorably—that the lion of England had crushed in his strength, the eagle of America, would it be for one moment contended that she, Great Britain, would have been bound to observe the rights guaranteed by her charters? We were regarded by her as rebels, we deemed, ourselves foes; in either aspect, defeat would have placed our persons, our liberties, our property, at her uncontrolled disposition.—