

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 banded, 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 1, 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 war," proceeds to the cession "of jurisdiction as well as soil, for the only use and benefit of such of the States, as are or shall become parties to the confederation;" "to be granted, disposed of and appropriated, in such manner only, as the Congress of the said united or confederated States, shall order and direct."

The next in order, is the cession of Virginia, and by the terms of that cession, after certain conditions, the lands so ceded "shall be deemed a common fund for the use and benefit of such of the U. States, as have become, or shall become members of the confederation or federal alliance of the said states, the *State of Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other purpose or use whatsoever.*"

Massachusetts, in April 1785, "transfers, quits claim, cedes, and conveys to the United States, for their benefit, *Massachusetts inclusive, all right, title and estate, of and in, as well the soil as the jurisdiction.*"