

Connecticut by deed of September 14, 1786, cedes her claims in similar terms.

These cessions were all prior to the formation of the constitution of the Union. South Carolina also, on 9th August, 1787, cedes, in terms similar to those of Connecticut and Massachusetts.

Georgia, by deed of April 24, 1802, after certain reservations and conditions, proceeds to say that "the grants recognised by the preceding conditions, be considered as a common fund for the use and benefit of the United States, *Georgia included*, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

What power did Congress derive from these cessions, or the treaty with Great Britain? We answer, the power of a trustee, bound to the especial observance of the conditions of the trust. At this period there was no such political confederation as the General Government. The articles of confederation were the compact of States—the Congress, or assemblage of State representatives, were the agents to carry out certain specific authorities and powers, granted mutually by the States to each other. In the treaty of 1783, Great Britain treats not with the Congress or confederation, but with the States, as such, distinctively naming them—and to the States *eo nomine*, cedes all the territory. The terms of the cessions show that the States ceding, surrender to the States receiving—not to a General Government distinct in its capacities and powers, or to a Congress—but to the States, for their use as States,—free, sovereign and independent communities—not as particles of one blended mass. Had the surrenders been otherwise made, there would have been no necessity for specifically including the State ceding within the express terms of cession—for the cession to a general power having control over the whole, would without specific enumeration, have included all. Then, whether we consider the claims of those States not possessing within their limits any portion of the public territory as originating in conquest, confirmed by treaty with Great Britain, or resulting from the cessions of the States possessing it, the same conclusion is necessarily reached, that the claims exist in *the States*, as such, and not in the General Government, and that unless after or during the formation of the Federal Constitution, the States parted with all these acquired rights to the General Government, they remain still residing in the States, subject to the action of their common agent.