

poses of National Expenditure. We claim that it belongs to the States, that the Government is nothing but a trustee, so acknowledged by the most elevated authority. We propose to condense our argument upon this point within the narrowest intelligible circle. The titles to the public domain are derived from deeds of cession, treaty and purchase. The act of 1790, pledged for the redemption of the National and assumed State debts—"the proceeds of the sales which shall be made of lands in the Western Territory, now belonging or that *may hereafter belong* to the United States, and shall be applied solely *to that use, until the said debts shall be fully satisfied.*" The deeds of cession conveyed titles to the United States, to all the lands within the chartered limits of the States ceding, and the terms of the deeds expressly declare the character of the title conveyed. Virginia covering the largest portion in her deed of cession constitutes a series of distinct trusts, she "cedes to the United States in Congress assembled, for the benefit of the *said States*" all right, etc., to their designated limits for certain specific purposes, concluding "that all the lands within the territory so ceded to the United States, and not reserved or appropriated to any of the before mentioned purposes or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation, or federal alliance of the said States, *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 use or purpose whatever.*" Will it be contended by any one desirous of being considered a candid expositor, that a deed so filled with specific trusts can by any process of legal sophistry or technical ingenuity, be converted into an unrestricted grant. Distinct uses provided for—the residue to be apportioned by an arbitrary rule among the States, the State ceding inclusive, "according to their usual respective proportions of the general charge and expenditure;"—this general charge and expenditure was graduated neither by population or territorial extent, but by the quality of cultivated land and the value of the improvements. So that a State smaller in extent, weaker in population, might be subjected to heavier charge than its larger and more populous neighbour, and therefore entitled to a larger proportional share in this trust fund. Now it is evident that no distinct or different interest could be claimed by, or granted to any State, in the uses of a general national fund; nor would any one State upon the hypothesis of an unqualified surrender of interest in this territory, have the right to arraign or ratify any act of disposition by the general Congress: and yet, four years after the cession by Virginia, it was found necessary that that State should give constitutional vitality to the action of Congress, disposing of this territory differently from the stipulated directions of the cession. The act of Virginia of 1788, quotes the recommendation by Congress, of "a revision of the act of cession, so far as to empower Congress," etc., to depart from the