

strued to affect the claim of the United States, to vacant lands ceded to them by the late treaty of peace." This was rejected, New Jersey, Delaware and Maryland, voting for it.

— Mr. Carroll moved to add the same clause from the proviso, to a proposition of Gouverneur Morris, as to the admission of new states."

"This he said might be understood, as relating to lands not claimed by any particular states, but he had in view also, some of the claims of particular states."

Mr. Madison did not view the proviso of Mr. Carroll as dangerous, but to make it neutral and fair, it ought to be declared that the claims of particular states also, should not be affected."

"Mr. Carroll withdrew his motion, and moved the following: "Nothing in *this constitution shall be construed to alter the claims of the United States or of the individual states to the western territory; but all such claims shall be examined into, and decided by the Supreme Court.*"

Mr. Morris moved to postpone this, in order to take up" the proposition finally adopted by the congress.

Mr. L. Martin moved to amend it by adding "But all such claims may be examined into and decided upon by the Supreme Court of the United States."

"Mr. Morris stated it to be unnecessary, as all saits to which the United States are parties, are already to be decided by the Supreme Court."

Mr. Martin—"It is proper in order to remove all doubts upon this point:"—this amendment being rejected, Maryland alone voted against the clause now forming a part of the constitution referred to by the committee.—(Madison papers, from 1463, to 1467.)

Your committee have thus minutely extracted the debates upon this point, as necessary to the elucidation of the position they assume, that the clause cited is not to be deemed in the nature of a surrender to the general government, of an absolute interest in the public territory.

It is perfectly apparent from the opinions cited, that it was not the intention of the framers of the constitution, to adjudicate by this provision, the claims of the several states to the public lands, or to give them any other position than they occupied under the confederation. The only operative part of the constitution, bearing upon these claims, is that which vests in the