

other object within the constitutional powers of the General Government.

The fourth article of the Constitution has been relied on, to prove that Congress has greater power over the proceeds of the public lands than over the ordinary revenue of the General Government.

That article declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." The committee only copy enough of it to show "that Congress shall have power to *dispose* of the public territory."

The committee make some interesting commentaries upon this article, and state very clearly what might have been the effect of a disruption of the confederated States, but there is some doubt as to the construction of the article, inasmuch as no disruption has taken place. It certainly gave no power to Congress to violate the conditions of the deeds of cession, or to prejudice the claims of the United States, or of any particular State, or to apply the *proceeds* of the public lands to any other than constitutional objects. In adjusting this article, a favorable opportunity was offered, of supplying any defect, or omission in the deeds of cession, and of securing to the separate States their distributive shares of this fund; but it does not appear from the debates in the convention, that the representatives of Maryland, or of any other State, were aware of the rights which, according to the report of the committee, they had been gallantly contending for in the midst of the Revolution.

It is now necessary to consider the character which the majority of the committee have assigned to the General Government, as a trustee for the States. It is contended in the report "that the rights created by the pen were dissolved by the sword;" that the titles of the States to the lands lying within their respective limits, were superceded by the right of conquest and could not outlive the authority in which they originated." It follows therefore as a necessary consequence, that the unsettled lands, lying in each State did not belong to that particular State, but to all the States; and "as no General Government, properly so called, existed at that period," the title became vested in the different members of the Union.