

common fund for the expenses of the war." Virginia requires, as a precedent condition to cession, "that the necessary and reasonable expenses" of the State, in the war within her territory, should be reimbursed; and proceeds then to designate the proportion in which the several States should profit by the fund, according to the several respective proportions in the general charge and expenditure. What was that general charge and expenditure? Not civil expenses, certainly; for, at that period, the States bore each, for itself, all such expenditures, even including the pay of its respective delegates in Congress. But it was, as is answered even by His Excellency himself, "the charges of war and all other expenses incurred for the common defence and general welfare." To these charges the public lands were first to be applied, and their ultimate trusts, after their defrayal, in the same proportions, "to be considered as a common fund, for the use and benefit of the States, (including the States ceding,) to be disposed of faithfully and bona fide for that purpose, and for no other use or purpose whatsoever." It is undoubtedly true that the "distribution of the lands among the States was not contemplated at the time of the cessions." The plan of a cession of them to particular States, was reserved for later days and other commentators on the meaning and import of the words "for the common use and benefit of all the States." The resolution of Congress, recommending cessions to the States, looks to the public lands as a fund, from which the expenses in maintaining and acquiring this territory, should be reimbursed. Judge Story, whom but to name, is to demand for his opinions that respect which is always paid to laborious research, comprehensive intellect and sage wisdom, states in vol. 3d, p. 197, "the public lands hold out, after the discharge of the national debt, ample revenues to be devoted to the cause of education and sound learning, and to internal improvements, without trenching upon the property or embarrassing the pursuits of the people by burthensome taxation. The constitutional objection to the appropriation of the revenues of the Government to such objects, has not been supposed to apply to an appropriation of the proceeds of the public lands."

It occupies time, entirely exhausting the patience of this house, to quote all the precedent authorities, establishing the positions, either that the public lands are a trust fund, and Congress bound by the limitations of the trust; or that