

Let us proceed now to enquire, what modification of these claims has been wrought by the adoption of the federal constitution. By the 8th section of the 1st article, it is declared, "that Congress shall have power to levy and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States. But all duties, imposts and excises shall be uniform throughout the United States."

Here, then, is the power of raising money for the expenses of the government, and we should search in vain the terms of this power, for the idea, even, by implication, that the public lands were included within the subjects liable to be taxed for the general objects specified, or applied for that purpose. So far as this power extends to the public national debt then existing, it afforded an aid to the use of the proceeds of the public lands, willingly acknowledged then, and now liable for the extinction of the debt incurred in "acquiring and maintaining them." The unoccupied lands could not, in the nature of things, be operated on by a tax—and taxes upon the agricultural interest in the settled States, were looked to with great caution and limited as far as practicable, by the framers of the constitution. Commerce and indirect taxation, in the shape of duties on imposts, were regarded as the important source of revenue. It is in this clause of the constitution, that the subjects of general government, are to be found—and by no construction, even the most liberal, could the application of the proceeds of the sale of public lands, to these general purposes, be predicated upon the terms of this power.

The power to tax, is certainly not the power to raise funds by sale, nor the power to levy duties for the specific objects contained in this clause, the power to apply funds, the proceeds of sales, to these objects. The whole authority given to Congress to raise revenue, is embraced in this clause, and in the further right to borrow money on the credit of the United States; neither of which clothes them with the power to apply the proceeds of the public lands to the purpose for which either the tax is laid or the money borrowed. Men of every political party admit, that no distinct right or claim of the States was conferred by implication upon the general government, and that the powers not delegated by the constitution, to the United States, nor prohibited by it, to the States, were reserved to the States, respectively, or to the people. The power, then, to apply the proceeds of the public lands to "defraying the expenses of the general government," not being delegated by this ar-