

have never been surrendered, either by distinct cession, by uniting with the other confederated States, or by subsequent adoption of the federal constitution. That her claim rested, not originally upon derivative rights from the cessions of the States, but upon conquest and the treaty with Great Britain. That the acceptance, by her, in common with the other States, of these cessions, only bars the assertion of her original claims, so long as the observance of the terms of those cessions is in good faith adhered to. But that, if in a contingency, she will not permit herself to contemplate,—the disposition of these cessions are disregarded by Congress, and the limitations therein proposed are over-leaped; if unjust distinctions are made; if partial distributions are directed of this fund, in denial of her just proportion of its benefits,—then the obligations of the cessions cease, and she reverts to her original claims, founded upon common conquest and confirmed by treaty. We further contend that the confederated States, as an aggregate power, received from the cessions a trust authority, to be exercised in the mode designated by the terms of cession.

That this authority, thus limited, is not enlarged by the powers granted to Congress in the constitution. That this power is an agency for the States, not for the General Government; and the exercise of it must tend to the benefit of the States, in proper distinct proportions, and not a general indivisible benefit. That the public lands were never contemplated as a fund for defraying general civil expenses; that a distinct power to raise revenue for this purpose, in a different mode, has been granted to Congress; and this distinct, express delegation of power to act upon specified objects, is an exclusion of any implied source of revenue. That the power of this agent in acting for the States, should be applied to such objects of State expenditures as would approach most nearly to “the general use and benefit of all.” Your committee would refer briefly to the action of Congress upon this fund, as sustaining this view. The funds set apart for purposes of education, (though it may be doubted if it was a strict observance of their trust-authority, inasmuch as the immediate benefit was confined to particular States,) yet tended to the “common use and benefit of all the States,” inasmuch as it qualified, for a proper discharge of their duties, the citizens of those several States who are regarded by the constitution as citizens of all the States.

That portion of the territory granted to the Marquis Lafayette, was the discharge of a common debt, incurred by the States in their distinct capacities. A debt, if not