

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 by 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, page 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 other revenues of the Government to such objects, has not been supposed to apply to an appropriation of the proceeds of the public lands."

It would occupy 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 the primary object of their conveyance, was the extinction of the war debt. We may be permitted, however, to quote the opinions of certain men, deriving importance and faith in the proportions of the confidence reposed in their judgment and integrity. Mr. Benton, in 1826, introduced a bill in relation to this subject, "first to sell off the best land for prices adapted to their value; and secondly, contemplating a plan for the gratuitous donation of the remainder." In ascertaining the history of the acquisition of the public territory, he traces it to three sources—"cessions from particular states and purchases from France and Spain." "The cessions from the states were made (he states) for the declared object of paying off the *debt of the Revolution*; and then to erect "sovereign states;"—both these objects, inconsistent with his Excellency's ideas of an unqualified surrender of them as a source of general revenue. Mr. Benton further proceeds: "In both cases, the federal government was nothing *but a trustee*, and bound by compacts and treaties, to dispose of the lands according to the