

verted from its direction, "to paying the debts and expenses of the Union;" "Cannot be applied to any other use or purpose whatever;" "Distribution among the states" is particularly objected to. A surplus then consequently accumulates, which, agreeably to the opinions of his Excellency, collated above, cannot be distributed or disposed of. How then should we be rid of the acknowledged evil, of a central overflowing treasury? By no other means, your committee conceive, than depletions of the national treasury by defalcations of its officers. It may be said, that this argument is an argument to policy, and not to the rights asserted by the states. Admit it, but your committee deem not so highly of the wisdom of this generation, as to believe that motives and considerations, visible to them, were hidden and obscured from their forefathers. We deny, and challenge the production of authority to show, that prior to the adoption of the federal constitution, the funds arising from the public lands, were ever contemplated, as a means of defraying the civil expenses of the general government.—All cotemporary history—the terms of the deeds of cession—the declarations and instructions of the states, whose limits did not include the public lands—the treaty of peace with England, ceding to the states, as such—speak one common voice of denial of such application, and assert the claims of the states as the cestui que trusts of the common fund, acquired by common efforts, purchased by common blood and treasure, subject primarily to the liquidation of the common debt, "incurred in acquiring and maintaining that territory, and to no other general purpose or use whatsoever."

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 ex-