

isting, 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 imports, were regarded as the important source of revenue. It is in this clause of the constitution, that the subjects of general revenue, for the current expenses of the 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 article, no inferential power to that extent can be derived from it. And the delegation to Congress, of express powers, to be exercised in particular modes, for providing a fund for the expenses of the general government, is an exclusion of the exercise of such power in any other mode than that prescribed by the terms of the delegation.

We now examine the third section of the IV article of the constitution, as the only portion of that instrument having any reference to the disposition of public lands. That section is in the following terms: "The Congress shall have power to *dispose of*, and make all needful rules and regulations, respect-