

limit the purpose to which the fund was to be applied. As stated in the Governor's message, none of the deeds of cession contain a stipulation or condition of this kind, *non obstante* the reference to the *legislative* cession of New York.

A passage from Judge Story is quoted by the committee to show that the public lands, after the discharge of the national debt, may be applied to the "cause of education and internal improvements." The extract concludes with these words: "the constitutional objection to the appropriation of the other revenues of the General Government to such objects has not been supposed to apply to an appropriation of the proceeds of the public lands." A careless reader might infer from this extract, that Judge Story was of opinion that Congress had the power to *distribute* the proceeds of the public lands among the States, to be applied by the State Legislature to purposes of internal improvement and education: but there is no such opinion in his whole book.

In the passage quoted, he is treating of the *powers of Congress*; and in other parts of his commentaries he expresses the opinion that Congress has the power to apply the *ordinary* revenue to these purposes.

In this very passage he considers the proceeds of the lands as the revenue of the General Government; and if the committee had given the whole paragraph, his opinions might have been more clearly understood.

In the conclusion of that paragraph, he states that the cessions of that territory were expressly made for the *common benefit of the United States*, and therefore constitute a fund which may properly be devoted to any objects which are for *the common benefit of the Union*.

So far as Judge Story's opinions are entitled to weight, this last sentence takes away the ground assumed by the friends of distribution, that after the discharge of the public debt, this fund belonged to the States, for he expressly states that, *after the payment of the debt*, it may be properly devoted to any objects which are for the *common benefit* of the Union. Judge Story does not make a difference himself between the revenue from the public lands and from other sources, because *he* considers them all applicable to what *he* considers constitutional objects; but he refers to the opinions of others, when he remarks that the constitutional objection to the appropriation of *the other revenues* of the Government, has not been supposed to apply to the proceeds of the public lands.