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## BUSINESS CARDS

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to the free discretion of Congress, and thus to the Federal Government, with authority to contract with foreign nations, the United States would have been dwarfed into provinces of absolute consolidated central power, against which the spirit of liberty has so often, and in so many countries, struggled in vain.

In my judgment you cannot, by tribute to humanity, make any adequate compensation for the wrong you would inflict by removing the sources of power and action from those who are so to be thereby affected; that you shall ever arrive when, for an object, appealing so strongly to your sympathies, the dignity of the States shall bow to the dictation of Congress, by conforming their legislation thereto, when the power, and majesty, and honor of those who

Fortunately, we are not left in doubt as to the purpose of the Constitution, any more than as to its express language, for, although the history of its formation, as recorded in the Madison papers, shows that the Federal Government, in its present form, emerged from the conflict of opposing influences, it has continued to divide state-  
ments defined, powers, and strict construction, has preserved the original compact and subsequent adoption of the Constitution.  
President Madison, in the *Federalist*, says: "The power is delegated by the people to the

tion to the federal Government, are almost confined. Those which are to remain in the State Governments, are numerous and formidable. It is the General Government's "jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

In the same spirit, President Jefferson invokes the support of the State governments in all their rights as the most competent administrators for our domestic concerns, and the worst bulwark against anti-republican tendencies: "President Jackson said that our true strength and wisdom are not promoted by invasions of the rights and powers of the several States; but that, on the contrary, they consist in not encroaching

The States more closely to the centre, but in saving each more unobstructed in its proper line.

The framers of the Constitution, in drafting the charter of the Federal Government any jurisdiction over the States purely local objects, in my judgment, manifested a true forecast and broad comprehension of the true interests of these objects to themselves. It is clear that the public character within the States can be efficiently and judiciously cared only by their authority. The bill before me concedes this, for it does not commit the lands it provides to the administration of any other authority.

I cannot but repeat what I have before expressed, that if the several States, many of which we already laid the foundation of magnificent

establiſhments of local beneſicence, and nearly all of which are proceeding to eſtabliſh them, will be liſt to ſupport, as they will be, ſhould all be ſuppoſe a law, that Congress is to make proviſion for ſuch objects; the foundation of charity will be dried, up at home, and the ſeveral colleges, inſtead of beſtowing their own means on ſocial wants of their own people, may themſelves be brought to the ſtrong temptation, which appeals to State aid to individuals, become humble applicants for the bounty of the Federal Government, reverſing their ſituation to this Union. Having ſtated my views on the limitation of powers conferred by the ſixth article of the firſt article of the Conſtitution, I deem it proper to call attention to the third ſection of the fourth article, and to the provisions of the

The third section of the fourth article of the Constitution, is in the following terms: "The Congress shall have power to: dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice the claim of the United States, or any particular State." The sixth article contains the following: "that "All debts contracted and engagements entered into, before the adoption of this

For a correct understanding of the terms used in the third section of the fourth article, above cited, reference should be had to the history of times in which the Constitution was formed and adopted. It was decided upon in convention on the 17th September, 1787, and by it Congress was empowered to "dispose of," "sell," "lease," "grant," "convey," "dispose of," "the territory or other property belonging to the United States." The only territory then belonging to the United States, was that then reserved by the several States, viz: by New York in 1784; by Virginia in 1784; by Massachusetts in 1786; and by South Carolina in Aug. 1787. The month of March, 1790, was the first

That all the lands within the territory ceded to the United States, and not reserved for, appropriated to, or by the before-mentioned treaty, or disposed of in pursuance of the same, and soldiers of the American army, shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederate States, Federal alliance of the said States, Virginia, and according to their usual respective proportions, in the general charges and expenditures, shall be faithfully and bona fide disposed of, that purpose, and for no other use or purpose whatsoever.

the right of which these lands were to be sold, or to clearly set forth, and the power of the Government, granted by the third section of the fourth article of the Constitution, to dispose of the same, in its disposition only. It must be the fact, and in my mind there can be no doubt of it, then you may say, only an application in favor of the contemplated grant, the strongest authority against it. Furthermore, this bill is in violation of the act of the Government, pledged in the act of March 28, 1847. The sixteenth section of that act declares, "That, for the payment of the public debt, and for other purposes, the lands which may be created under the provisions of this act, the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury, to use and ap-

the money which may be received into the Treasury for the sales of the public lands after the first day of January, 1918 first to pay the interest on the bonds issued by virtue of this act, and secondly, to the balance of said interest, after paying the interest aforesaid, in the purchase of said stocks at the market value. The debts then contracted have not been paid, and the language of this section, and obligations of the United States under it, are plain to need comment. We have been unable to discover any distinction on constitutional grounds, or grounds of expediency, between an appropriation of ten millions of dollars, directly from the money in the Treasury, for the object contemplated, and the appropriation of lands presented for my sale.

And yet, I cannot doubt, that if the bill passed ten millions of dollars from the Treasury of the United States, for the support of insurance in the several States, that the constitutional question involved in the act, would attract forcibly the attention of Congress. I respectfully submit, that, in a constitutional point of view, it is wholly immaterial, whether the appropriation be for money or for land. The public domain is the property of the United States, just as much as the surplus produce of the soil, and of duties and imports remaining expended in the Treasury. As such, it has been pledged, is now pledged, and may need to be pledged again, for public indebtedness. If property, it is distinguished from actual money, chiefly in this respect, that its probable

agement sometimes requires that portions of appropriated to local objects in the States. It may happen to lie, as would be done by any prudent proprietor to enhance the sale of his private domain. All such grants of are, in fact, a disposal of it for value received; but they afford no precedent, or constitutional reason, for giving away the public lands, less do they give sanction to appropriations of objects which have not been entrusted to the