

THE WESTERN CAROLINIAN.

PUBLISHED EVERY SATURDAY MORNING—ASHBEL SMITH AND JOSEPH W. HAMPTON—EDITORS AND PROPRIETORS.

Number 32, of Volume 16:

SALISBURY, NORTH-CAROLINA, JANUARY 9, 1836.

Number from beginning \$14.

The Western Carolinian.

BY ASHBEL SMITH & JOSEPH W. HAMPTON

TERMS OF PUBLICATION.

1. The Western Carolinian is published every Saturday, at Two Dollars per annum if paid in advance, or Two Dollars and Fifty Cents if not paid before the expiration of three months.

2. No paper will be discontinued until all arrearages are paid, unless at the discretion of the Editors.

3. Subscriptions will not be received for a less time than one year; and a failure to notify the Editors of a wish to discontinue, at the end of a year, will be considered as a new engagement.

4. Any person who will procure six subscribers to the Carolinian, and take the trouble to collect and transmit their subscription-money to the Editors, shall have a pair gratis during their continuance.

5. Persons indebted to the Editors, may transmit to them through the Mail, at their risk—provided they get the acknowledgment of any respectable person to prove that such remittance was regularly made.

TERMS OF ADVERTISING.

1. Advertisements will be conspicuously and correctly inserted, at 50 cents per square for the first insertion, and 33 cents for each continuance; but, where an advertisement is ordered to go in only twice, 50 cts. will be charged for each insertion. If ordered for one insertion only, \$1 will in all cases be charged.

2. Persons who desire to engage by the year, will be accommodated by a reasonable deduction from the above charges for transient custom.

TO CORRESPONDENTS.

1. To insure prompt attention to Letters addressed to the Editors, the postage should in all cases be paid.

Poetic

Recess

"MUCH YET REMAINS UNSUNG."

From the Southern Literary Journal.

LINES TO THE MEMORY OF MRS. HEMANS.

"Thus let my memory be with you, friends!
Thus ever think of me!
Kindly and gently, but as of one,
For whom it is well to be fled and gone;
As of a bird from a chain unbound,
As of a wanderer whose home is found;
So let it be." [Mrs. Hemans.]

Thus will we think of thee!
Pure spirit! that didst move,
Bound on an angel-mission free,
From the blest courts above;
Mingling thy ever-tuneful lyre,
Of musings high,
With Nature's never-ceasing choir,
Of earth, sea, sky—
The gushing torrent, and the sunset fair;
The earth's bright jewelry, and the peopled air;
The ocean's silvery bond;
The midnight's calm profound;
The shadow-weaving twilight, and the morn.
All, with a pencil dipt in heav'n's own hues, on thy fall page are born.

Kindly and gently? Thou
That like the trusting dove,
Mid life's dark tempest waves didst bow,
To breathe thy strains of love:
Though for thy wearied foot,
No place was found—
No plant of deathless root
Shed perfume round—
Yet for the faithful service thou hast done,
There flants an olive branch; a green and fable-less one!

Emblem of hopes that rise
Beyond earth's broken ties;
Token of hearts that catch a glimpse of heav'n,
E'en through grief's dark eclipse, by the clear light thy faith hath given.

Joy! joy! that thou art free!
We would not ask thy stay;
Thou that so long has sought to be,
In thine own land away;
This earth was far too cold and dim,
For soul like thine;
No fitting harvest couldst thou win,
From love's deep mine;
Though we would fain have won thy treasures,
Heav'n could its own,—its own hath heard the call!

Joy! joy! that thou art free;
Daughter of melody!
Tune thy high anthem to an echo meet,
The waiting angel hath swept o'er the strings, and found thy lyre complete.

SCRAPS.

The Whig Convention of Maryland assembled on the 23d ult. On the 23d, Gen. Harrison was unanimously nominated for the Presidency, and John Tyler, of Virginia, for the Vice Presidency. The nomination by Pennsylvania and Maryland, of the Hero of Tippecanoe, renders it certain that the Election must devolve upon the House of Representatives; and, it is time the public mind was preparing for it.

The Annual Meeting of the American Colonization Society was held on the 15th inst. in the House of Representatives, Mr. Clay in the chair. The meeting was addressed by President Duer, and Rev. Dr. Proudfit, of New-York. Rev. Mr. Wm. Atkinson, of Virginia, the Secretary, and Chairman. Mr. Clay's Speech is said to have been one of his happiest efforts.

"The work goes bravely on." Judge White has also been nominated for the Presidency by the State Rights Members of the Georgia Legislature. Every Southern State must go against Van Buren.

Western Names.—The Ohioan is a "Back-eye," an Indian a "Hoosier," an Illinoisan a "Sucker," a Missourian a "Pewk," a Kentuckian a "Corn-cracker," and a Michiganian a "Wolverene."

Van Burenism in Illinois.—A Van Buren meeting was called in the Mount Carmel Sentinel, to take place in that town on the 24th ult. Well—the day arrived—the meeting was held; and it consisted of—three individuals!

THE PUBLIC DOMAIN.

SPEECH OF MR. CLINGMAN, OF SURREY;
On his Resolutions, introduced into the House of Commons on the subject of the Public Lands.

MR. SPEAKER: In presenting the Resolutions on your table, I have consulted my own feelings less perhaps than those of my constituents. I should not do justice to those whom I represent here, if in the absence of any other measure in relation to the subject, I had failed to bring forward those propositions. The proper disposition of the Public Domain has, for several years past, been a question of deep interest, not only to our own citizens, but to every State in the Union. It has been subject more than once, to the action of both Houses of Congress. Elaborate Reports on it have been made and circulated throughout the country; so that the merits of this question are more generally understood than those almost of any other, in politics. Indeed, sir, it seems to me, that there is more need at this time, of action, than of debate. And it is in the hope, that these Resolutions will lead to action, rather than to debate, that they have been presented.

It is incumbent upon me, however, as the mover, to make a brief statement of those facts and arguments on which I rely to sustain the principles of the Resolutions. Though the details may be uninteresting in themselves, yet on account of the magnitude of the question itself, I trust the House will indulge me, especially as I promise to be as brief in my observations, as the nature of the subject will permit.

During the contest for territory among the nations of Europe, consequent upon the discovery of America, most of the charters under which the Colonies were originally settled, contained a grant of a portion of land, definite and well defined on the sea-coast, but extending without limits to the westward. Thus the limits of North-Carolina extended back to the Mississippi River. What is now Tennessee was then a part of this State. Virginia claimed a large extent of territory lying North-west of the River Ohio, out of which have since been formed several new States. In fine, the boundaries of all the old States, except three, were more extensive than they now are. In this state of things, we went into the war of the Revolution. During its progress, the disposition of the unsettled territory was a most embarrassing question to the Federal Congress. Some of the States attempted to dispose of their waste lands for their own benefit.—This produced much discontent—three of the States, Maryland, Rhode Island, and New Jersey, had no such lands lying within their boundaries. It was urged on the part of these States, that the Colonies were then engaged in a common struggle—that the blood and treasure of all were alike expended in defence of the vacant territory—and that if it were won at all, it must be won by the united effort of all the States. It was said that those lands ought to be regarded as a common fund to defray the expenses of the war, and to secure the payment of those debts which the United Colonies were obliged to contract in its support. It was on this ground that Maryland refused to enter into the Articles of Confederation. Congress more than once urged upon the States owning waste lands, the propriety of ceding them, in order that they might become a common fund for the use of all the States, and finally, in the year 1780, passed a Resolution in the following words:

"Resolved, That the unappropriated lands which may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress, of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, and freedom and independence, as the other States." &c.

In compliance with the recommendation of Congress, all the States, sooner or later made cessions of their waste territory. These treaties or compacts are all similar in character. I will call the attention of the House to some of them. That of North-Carolina, in the parts important in relation to the present enquiry, is in the following words:

"Whereas the United States, in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens," &c.

Then comes a clause directing the manner in which the fund shall be applied:

"That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund, for the use and benefit of the United States of America, North-Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatsoever."

That of Virginia, of which ours seems to be almost an exact copy, is in the following words:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be

faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

All of these deeds of cession are similar in substance, and in several instances the same language is used. I shall therefore, sir, not detain you by making any other references.

The first thing, Mr. Speaker, that occurs to the mind on reading these deeds of cession, is that the Legislatures of the States having made treaties, have a right to defend them. They have entered into solemn compacts with the Federal Government, by which they have conveyed a large amount of property for certain purposes therein specified; and if the fund thus granted is likely to be wasted or misapplied, it is their right and duty to endeavor to avert such an evil. It is undoubtedly the province of the General Assembly to guard all the great interests of North-Carolina, but it is more especially our duty to take care that our constituents are not prejudiced by our own past acts.

We are next, sir, to consider the nature of the compacts themselves. On this point there is diversity of opinion. It has been supposed that as the payment of the public debt was the inducement, and in fact the main object of the cessions, that the debt being now paid, Congress has no farther power over the lands so ceded. If the payment of the public debt had been the sole object in view, and it had been expressly so declared in the deeds themselves, then there would be an end of the question. For the debt being paid and the trust discharged, the remainder of the property not being disposed of, would revert to the original donors. And I admit that the Decrees of some of the acts, sustain this view of the question.

After an examination of all these compacts, however, I prefer taking a different ground. The payment of the National debt was undoubtedly the principle object of the cessions; but at the same time it was foreseen that there might be other burdens from which it was desirable that the States should be relieved. In order, therefore, that the power of Congress might be sufficiently ample for all these purposes—all the clauses directing the application of the lands so ceded declare, in substance, that they "shall be considered as a common fund for the use and benefit of the United States of America, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." Such is the language of Virginia, North-Carolina, and Georgia, and in substance, it does not materially vary from that used by the other States. It makes Congress the trustee of all the States. Congress is the legal owner of this property, but is nevertheless bound to use it for the benefit of each of the States in proportion to her share in the general charge and expenditure. Its application to the payment of the public debt was strictly in obedience with the terms of the compacts themselves, because it relieved the States from direct charges which must otherwise have been made. In this view of the question, the power of Congress over the public land is as great now, as it ever was. Unlike the other funds of the Government, which may be expended as Congress may think expedient, it can only be applied in the manner prescribed in the compacts themselves. The Federal Constitution has produced no change in those compacts. The only clause relating to the subject of the National Domain is the following:

"The Congress shall have the 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 construed as to prejudice any claims of the United States, or of any particular State."

This clause reaffirms the compacts then already made, and gives to Congress the power "to make all needful rules and regulations" to carry them into effect. The cessions of North-Carolina and Georgia, being made since the adoption of the Constitution, are not varied by it, as it contains no other provision relating to the subject. To ascertain then the powers of Congress over these lands, we must look to the Acts of Cession themselves. These enable Congress to dispose of the Territory for the benefit of each of the States, in proportion to their share in the usual charge and expenditure, and any disposition which is in accordance with this principle, is Constitutional.

Much the larger portion of the Public Land now possessed by the United States, has been acquired by treaty with foreign powers. The territory of Louisiana was purchased of France for the sum of fifteen millions of dollars, paid out of the common Treasury of the Union. Under the treaty with Spain, by which Florida was obtained, we paid five millions of dollars. With respect to the power of Congress over these lands, there is no limitation whatever. They may be disposed of in the manner most conducive to the public interest. But as there was a general charge upon all the States to raise the sums paid out of the common Treasury, each State has an equitable claim to a fair proportion of the profits arising from these lands. With regard to the whole of the vacant territory, it may therefore be laid down as a general proposition, that Congress is the legal owner of the waste lands, but that each State is nevertheless entitled to receive a portion corresponding to her share in the general charge and expenditure. Congress has the control of the property, yet ought in justice, and with respect to the ceded lands is absolutely bound, to dispose of it for the benefit of all the States.

But, Mr. Speaker, it is to consider this subject in a pecuniary light, that I would now call the attention of the House. There has rarely, if ever, been so vast an amount of property subject to the control of any Government. Official Reports state that there is at this time remaining undisposed of, within the States and Territories 750 millions—in all, making 1090 millions of acres. Of this amount, there had been surveyed up to Sept. 1835, 143 millions, and sold in the same time only 35 millions. Thus it will be seen, that though the land sales have been going on for more than forty years—though there has been a constant and immense tide

of emigration to the westward—though a number of new and prosperous States have sprung up, the quantity disposed of is trifling, compared with what remains. If we suppose that only one half of this land should sell at \$1 25 per acre, the lowest rate at which the Public Land has ever yet been sold, it would produce the immense sum of 680 millions of dollars. Or, if the Territory itself were divided among the States, in proportion to their Federal population, the share of North-Carolina would fall little short of 60 millions of acres. If North-Carolina then, Mr. Speaker, has an interest like this, it is well worthy the most serious attention of her Representatives. If it be in our power to advance such a claim, then I know not how we can be better occupied than in pressing it.

The disposition of the National Domain, as heretofore made by Congress, if not in strict accordance with the terms on which it was acquired, has upon the whole given general satisfaction. Such portions of it as are fit for cultivation have been surveyed and offered for sale in immense quantities, so that every purchaser might make such a selection as suited. The lands not sold in the first instance to the highest bidder, have been subject to entry at the low rate of \$1 25 per acre. As far as the proceeds arising from the sales of the public lands have been applied to the extinguishment of the National debt, their disposition has been strictly in accordance with the spirit and letter of the various deeds of cession. Large donations have, however, been made to all of the States in which the lands are located. Up to the year 1831, there had been granted to these States, for the purposes specified, the following donations:

For Education,	8,000,000 Acres,
Internal Improvements,	2,187,000 do
Colleges,	508,000 do
Other purposes,	100,000 do

Total number of acres, 10,795,000

Thus, Mr. Speaker, it appears that there had been gratuitously yielded up to the new States by Congress, up to the period mentioned, the amount of eleven millions of acres. The sales, however, up to the same time, amount to 31,000,000. It is obvious, then, that of the whole land disposed of, more than one-fourth has been given away to the States in which it was located. This alone is sufficient to evince the generosity of the old States, and to show how unjust and unfounded are the complaints which have been uttered on the part of the new States. Unless similar donations have been made to all the States, these grants, giving as they did, an undue preference to some of them, were not in strict accordance with the terms on which the National Domain was acquired. But then, our feelings were on the sides of the infant States. We wished to extend to them a liberal helping hand. The fund too, was so vast, that gifts like these appeared trifling—it was like dipping water from the ocean; the quantity that remained did not seem to be diminished.

The question, however, has now assumed a new aspect. The National debt has been paid; and the Treasury, filled to overflowing, is more than sufficient to satisfy the wants of the most extravagant Administration. Propriety would seem, in the first instance, to require a reduction of the Revenue to the real wants of the Government. But the agitations which the country has recently undergone, in consequence of the excitement of the Tariff question, are too well known to require to be stated.—Even if it were possible, no one would wish to renege at this time, the discussion on that subject.—The circumstances, however, under which the compromise Bill was passed, are such as to forbid us to expect that the question will be shortly agitated. Whoever considers the rapid growth of this country, the constant increase in our commercial operations, and especially reflects that the diminution of duties has of itself a direct tendency to increase importations, will not fail to come to the conclusion, that up to the year 1842, the Revenue arising under Clay's Law will be amply sufficient to answer the wants of an economical Administration. The question then arises, what shall be done with the surplus money in the Treasury? And it is this which gives additional interest to the subject embraced in the Resolutions. Some of the new States, seeing that the public debt is now paid, and that the monies arising from the land sales are not wanted for the ordinary purposes of Government, have within a few years past, put forward claims to the whole of the lands lying within their limits. Indiana, Illinois, and Mississippi have asserted a right to all of this property, resting it on the ground, that they, as sovereign States, are entitled to all the territory within their boundaries; and declaring that the possession and sale of such lands by the General Government, is an invasion of their rights. In some instances, sir, I believe that they have even instructed their Representatives in Congress to contend for this claim. Others who have not gone so far, however, do not cease to urge upon Congress the propriety of either ceding the lands directly to the States in which they lie, or so reducing the price, as in fact, to amount to a donation.

At present, Mr. Speaker, these claims have been admitted by only one Department of the Federal Government. The President of the United States, in his Annual Message to Congress, in the year 1832, recommends a surrender of the public lands to the States in which they are situated, as will be seen by the extracts which follow:

"Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution, it was recommended by Congress that a portion of the waste land owned by the States should be ceded to the United States, for the purpose of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered

as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony and general interest of the American People.

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable however, that, in convenient time, this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the States, respectively, in which it lies.

"To avert the consequences which may be apprehended from this cause, to put an end for ever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise, the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

Hitherto, however, the majority in Congress have had too just a sense of the rights of the old States to permit them to comply with this recommendation. Efforts have been made at every session to give the new States all the benefits of this property; which, not being resisted with sufficient spirit, and because they are backed by the influence of the President, have been every year growing stronger and stronger.

I will beg leave to call the attention of the House to one of these attempts on the part of the new States to get possession of the National Domain. It is a fair specimen of what they usually are. It is a Bill and also a Report accompanying the same, the caption to which is as follows:

"The Committee on the Public Lands, to which have been referred memorials from the Legislatures of the States of Alabama, Indiana, Missouri, and Illinois, asking a reduction and graduation of the price of that portion of the public land which has been offered at public sale, and remains unsold, and also sundry Resolutions of the House, instructing them to inquire into the expediency of such a measure, have had the same under consideration, and beg leave to report."

After arguing at some length in favor of the claim of the States to the territory lying in them, as the consequence of their sovereignty, the author of the Report observes:

"The Committee do not propose a discussion of the question, whether, in the language of some of the acts of cession referred to, the new States have been admitted into the Union with 'the same rights of sovereignty, freedom and independence, as the other States'; nor whether there is strict propriety in the declaration to be found in all the acts and resolutions of Congress for the admission of new States, that they are 'admitted into the Union on an equal footing with the original States, in all respects whatever.' It is not now, and we hope it never may be, necessary to inquire how far the want of eminent domain, the power to dispose of or tax soil within her limits, is compatible with the 'sovereignty' of a State; nor to show that the original States, from the time of their independence, and at the date of the several compacts, had that right. The new States having, as a condition precedent to their admission into the Union, disclaimed all right and title to the waste and unappropriated lands lying within their limits, and also the right to tax them while owned by the United States, and for the term of five years after the sale thereof, if not absolutely foreclosed, would doubtless be reluctant to raise the question."

The plan which the Report proposes, of giving to the new States all the benefit of those portions of the National Domain which they respectively include, will be seen from an examination of the accompanying Bill, which it recommends Congress to adopt:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this Act, all the lands of the United States which have been offered at public sale to the highest bidder, and have remained unsold fifteen years or upwards, shall be subject to sale, by private entry, at the rate of twenty-five cents per acre."

Now, Sir, without going farther with this Bill, let us see how it will operate, from the showing of the Report itself.—With respect to the length of time which has elapsed, since the various portions of the public lands have been surveyed and offered for sale; it observes:

"That in Ohio had nearly all been in market 20 years, the greater portion from 25 to 30 years; that in Indiana had nearly all been in market from 15 to 20 years; that in Illinois had nearly all been in market for fifteen years and upwards; that in Missouri, an average of about 12 years; that in Alabama from 12 to 22 years—the average period may be said to be 15 years; that in Mississippi from 12 to 20 years; that in Louisiana about 13 years; that in Michigan about 13 years."

Thus it appears from the showing of the Report itself, that by the adoption even of the first clause of the bill, that almost the whole of the National Domain now in market would be sacrificed at a price barely sufficient to pay the expense of surveying it. Take the State of Illinois as an example. This State is supposed to contain a body of arable land equal, if not superior, to any other in the world of similar extent. More than nineteen-twentieths of its surface is believed to be susceptible of cultivation. Of the thirty-five millions of acres which it contains, little more than two millions have been sold—the remainder, being thirty-two millions, is to be sacrificed at 25 cents per acre, under the appellation of refuse land.

And why called refuse lands? Because sir, there is no one to purchase it. Because, we have