

MR. MANGUM'S SPEECH
IN THE U. S. SENATE, ON THE
PROSPECTIVE PRE-EMPTION BILL.

MONDAY, JANUARY 11.

The question being upon the instructions moved by Mr. Crittenden, as follows:
Resolved, That the bill be re-committed to the Committee that reported it, with instructions to report amendments thereon to the following effect:

1st. To distribute the proceeds of the sales of the Public Lands among the several States of the Union in just and equitable proportions.

2d. To grant to actual bona fide settlers upon the Public Lands the right of pre-emption to any quantity thereof, not exceeding one-half section, or 320 acres, including place of settlement, at the minimum price of \$1 25 per acre, with such provisions as shall limit this right of settlement and pre-emption to actual bona fide settlers whose estate at the time of settlement shall not exceed the value of \$500, and further, with such provisions as shall effectually exclude the wealthy speculators from all benefits under this law, and shall prevent them from interfering with, or participating in, the privileges and right of settlement and pre-emption which are hereby granted and intended for the sole advantage of the needy and honest settlers and cultivators of the soil.

Mr. Crittenden, having addressed the Senate in reference to the instructions he had moved, and Mr. Benton having violently opposed the proposition, Mr. MANGUM, of North Carolina, said he was far from concurring with the honorable Senator (Mr. Benton) in the opinion that there was any incongruity between the bill under consideration and the proposed amendment; and far less did he concur in the justice or the propriety of denouncing the amendment as monstrous, as an unfair mode of assault, as, in short, an enormity. The truth is, (said Mr. M.) there is no one who looks at the various movements which are made in relation to the public lands, and the various questions which come up here, that does not perceive that a consideration of one of them necessarily and properly calls up the consideration of all the rival and alternative propositions.

As to the pre-emption bill now before the Senate, it is impossible to form a just estimate of it, and come to right conclusions, unless we consider it in connexion with all the other measures of its friends—unless we consider it as it is a part of a great system—as an element in the great scheme of a definitive and ultimate disposition of the vast public domain of the country.

It is, in truth, in the language of the honorable Senator from Tennessee, (Mr. Anderson,) the first step to a final disposition of the public domain. I think the Senator for this explicit and manly avowal of the purpose and views of the friends of this measure. The first step to a final disposition of the public domain! Yes, sir; it is the first step in the race where each struggles to be first in the great work of squandering and scattering this more than princely domain to all the winds of Heaven, by bestowing it in largesses, by giving it to schemers and speculators, and inviting to its occupation all the ends of the earth, the bandit of the Apennines, the mercenary Swiss, the hungry loafer of the cities of the Old World, the offal of the disorged jails, penitentiaries, and houses of correction of foreign countries—all, are invited by this bill to mingle with our American citizens, and seize upon the public lands, and appropriate them, excluding the old States, whose property in common with their sisters they are, from any substantial and equal participation in this common property of them all.

I confess (said Mr. M.) that I am at a loss to determine which is the more objectionable, the principle or the details of this bill. To me, it seems the cruelest, the most jejune, and the least safely guarded that I have ever known to be introduced into the Senate. It being, however, a sort of wholesale disposition of this vast property, without equivalent or consideration, the details can be of but little moment, except to exhibit to a curious observer what vast results may be found in connexion with the weakest bungling.

This bill goes to revolutionize the whole system of pre-emption itself, as that has heretofore existed, and in the end to abrogate the whole land system, which has been built up and consolidated through a series of years, by so much care and labor, and which has extorted praise and eulogium from all of this Chamber. Heretofore, when settlement had gone in advance of a regular system of the public lands, and the barrier had shown evidence of good citizenship, habits of honest labor, Congress, out of tenderness for the citizen, and a scrupulous desire that every one should enjoy the avails of his own labor, have overlooked the original intrusion, and in a liberal and parental spirit, given the right of pre-emption, so that every one might continue to enjoy the humble dwelling and other improvements, the result of the sweat of his own brow and the work of his hands. This was pure bounty, unmixed gratuity, conferred by a Government unwilling to repress or thwart the energies and enterprise of these hardy men, who had sought upon the dark brow of the wilderness a resting place for their wives and their children. It was a kind concession to the restless energies of this Anglo-American race of ours, which, though a little too observant of the rights of others, yet had the hearts, the hands, the wishes, the purposes, and the patriotic aspirations of American citizens—a race that loved their country, loved liberty, and were ready to peril all they had in enterprises, dangerous or otherwise, in defence of their country. It may be that, in any aspect, financial or political, the occasional and judicious interposition of Congress in their behalf was wise, as most indubitably it was kind, liberal, and parental. All these cases were retrospective, overlooking initiative error, and quieting these hardy pioneers in their homes, their titles, and all the fruits of their labor. If this legislation was somewhat unjust to the old States, yet it was kind, and upon the whole may not have been unwise.

But now, for the first time, it is proposed to hold out standing lures and temptations to the whole world, to come and seize upon our public domain. To sustain this sweeping prospective measure, I have heard doctrines avowed more objectionable than the measure itself, from which my judgment revolts, and which, I am confident, could they be submitted directly to the whole American people, would be indignantly, if not con-

temptuously, rejected. I say this bill invites the whole world, aliens as well as citizens, to come and take possession of our public domain; and how? Under any rule? According to any uniform regulation? No, sir. The bounty is held out to the swiftest foot and the strongest arm; these are to seize, and defend what has been seized, with all the means that God and Nature have placed in their hands. And all this work of confusion and demoralization is to be sanctioned by this grave body; ay, to be invited, solicited by our legislation.

If we were a weak and feeble nation, physically unable to defend our liberties, we might indeed hold out inducements to foreigners to bring to our assistance the protection of their physical force. But has it come to this: that we are obliged to invite foreigners to assist us in the defence of our heritage of liberty? To bring amongst us the arts of civilization? To enhance our power, either moral or physical? Can any one believe that we are reduced to a necessity like this? No, sir. The friends of the measure would cast back such a taunt with scorn and indignation. What then? Can any one doubt that this bill is the first step towards the squandering and wasting the public domain, so far as the old States are concerned? That the new States feel as a fetter, that galls their over-excited sensibility, the claim of the old States to land within their limits? To get rid of this, and to make the destruction of the rights of the old States sudden and complete, it is proposed to invest with the highest privilege of American freemen, foreigners, not naturalized. To give to alien strangers, who will come and take, what indisputably belongs to all the States in common. And this to assuage a painful conceit, an over-wrought pride, that will concede nothing to those who have given them every thing. As if not content with the desecration of our rights of property, it is contended that these favored aliens shall also exercise the rights of suffrage—the highest rights of freemen, and be endowed by these States with the elective franchise, in disregard of Congress and all the co-States.

I mean not (said Mr. M.) to go into the argument of this incidental question, momentous and alarming as it would be, did we not feel confident that it will ever be met by the real people of the United States with a stern and uncompromising resistance. The doctrine is anti-national; it is incompatible with the very conception of a political community endowed with the power of perpetuating its institutions. No nation that I know of, that has risen to the dignity of an independent community, ever tolerated the indiscriminate admission of foreigners and alien influences to a full participation in its elections and its government. What is our case? Who effected our revolution? The people of the respective States. They had formed independent political communities. Those States, before the adoption of the Federal Constitution, did of right exercise the power of determining who should be considered citizens, and entitled to all the privileges and immunities of citizens. They further rightfully regulated the terms and conditions upon which aliens might be adopted in the community, with all the rights and privileges of free citizens. Who did, and might rightfully do, all this? The people of the States. Who could gainsay it? Could the Englishman, the Hollander, the Italian, or the Pole? Unquestionably not. Who then? None but the people of the States.

By the adoption of the Constitution, each State conferred upon the General Government, as a common agent, all those powers which it could better exercise for the benefit of the whole than could the States respectively for themselves; reserving to the States such as could be best exercised by and for themselves. This common agent had in charge all our foreign relations, and had the regulation of all our intercourse with foreign Powers. This Federal Government and these State Governments were made by and for the People of the United States and their posterity. The power of passing uniform laws of naturalization of foreigners was conferred on the common agent—the Federal Government. This grant passed the whole power. Such was the opinion of the enlightened and able contemporaneous writers in the Federalist; such has been the uniform opinion of every respectable writer on constitutional law, as far as I know; such has been the exposition in a majority of the States, as I suppose; certainly such has been the exposition in North Carolina by all its authorities, judicial and legislative. The distribution of political power in the States, as well as the General Government, rests upon a right enumeration of the people of the respective States. Our whole political scheme rests upon it. It was provident, therefore, that, in a matter so immediately affecting the relative power of the States, there should be some uniform rule regulating accessions from abroad of aliens, with habits, feelings, and principles often alien, not to say hostile, to the genius and spirit of our institutions. Such a provision is conformable to the general sense of mankind in all ages in well-regulated political communities. Hence I regard the provision in the Constitution of Illinois as in conflict with the United States, and of course void, and that a persistence in the enumeration of aliens as citizens, so as to affect the relations of political power between her and the other States, and the permitting of them to exercise the elective franchise so as to affect the action of the Government common to all the States, would be in bad faith and clearly violatory of their common bond.

The question is not whether Congress can prescribe the qualifications which shall constitute a voter in the States. No one contends for any such thing. The States can each prescribe for itself in every respect, except where inhibited by the conferring of the power on the General Government, and those who are empowered to vote for members of the most numerous branch of the State Legislature may also vote for members of Congress, and none other. The only difficulty is, not in the non-existence, but in the application of the remedy, in cases where the States shall transcend their constitutional authority. Wherever the authorities of this Government can reach the case, they

can apply the remedy. If aliens shall vote for a member of the House of Representatives, upon a question of contested election, the House may take jurisdiction and rectify the error.

[Here Mr. Wright, of New York, asked, what will you do in the case of a Senator elected to this body by a Legislature in part formed by the votes of aliens?]

Mr. M. said the only difficulty consisted in applying the remedy. In the case put, great difficulty and inconvenience might arise, perhaps insuperable—and so in many other cases that might be put. What would the Senator do in the case where a majority of the States should decline or refuse to elect Senators to this Chamber? In the latter case it would operate at once to the destruction of the Government, and yet I know of no remedy. The truth is, in our complex political system, much has been left, and of necessity, must have been left, to the good faith of the States, the authors and creators of our system. And perhaps, in every case where a practical remedy is not provided, it was deemed safe to leave it to the good faith and good sense of the parties to the covenant. But I have turned aside to this incidental question mainly to enter my protest against the doctrines avowed; and to show that North Carolina, in that good faith which has always characterized her relations with this Government, holds that the adoption of the Federal Constitution has abrogated her constitutional provision for the naturalization of aliens, and that she may not swell her relative power in the Confederacy, either by the enumeration of aliens or the permitting of them to exercise the elective franchise.

Isaid in the outset, that I found great difficulty in determining, in reference to the present bill, which was the more objectionable, its principle or its details. In respect to the latter, they have been exposed by various Senators so fully and clearly, that "he who runs may read." When before now has it been proposed to hold out temptations and rewards to infants, who by law owe allegiance to the head of their family? When before now has it been proposed, for the sake of encouraging emigration, to break up domestic relations—those primeval bonds of society which it is of so much importance to keep sacred and intact? The ambition that looks to the highest office in the Republic, may have an interest in inviting into the *melée* all infants that, at the end of the next four years, may be invested with the right of suffrage. This bill holds out the same benevolent intentions towards widows.—How excellent a virtue is benevolence! And how cheap, too, is the beneficence that confers bounties out of other people's goods and chattels, lands and tenements! But, like the witch's prophecy, while it keeps the promise to the ear, it breaks it to the hope. The whole is mere delusion—it is worse—it is imposture. Such widows as reside in the immediate neighborhood of the lands to be settled may possibly get the benefits of the bill, but the great body of the destitute widows throughout the Union, and especially on the Atlantic frontier, will not be benefited a stiver.

Again, there is another principle in the bill more objectionable. Its operation is extended to land unsurveyed. The entire alien population of the globe as well as our citizens, are invited and tempted into our national domain before a chain carrier has entered upon it. Proclamation is made to all to come and seize upon our best spots, and they shall keep whatever they take.—Has any Government in the world acted upon a principle like this? Must it not inevitably lead to riot, bloodshed, and general confusion? Where have ever such results been held out to alien interlopers, bandits, and escape-graces of foreign lands to come and seize upon so rich an inheritance, and hold it by strong arm, or at the muzzle of the rifle? All they are required to do is to come upon the land, to build a log cabin or some other dwelling, and call it a settlement, and the right of pre-emption is fixed. How long are they required to occupy? A week, or a day, is sufficient; for no specific length of time is required by the bill. How many settlements may be made by the same person? The bill as introduced prescribed no limitation. A reluctant limitation to one in the same State, has been imposed by a vote of amendment; yet the same person may make the tour of all the frontier barrier of States and Territories, and in each, the work of a day may secure a quarter section of land in the most favored spots at the minimum price, and that too, on a credit, to be paid whenever, and only whenever, the convenience of the enterprising and travelled gentleman may seem best to admit of it.—What a broadcast waste and squandering of this vast national property! The waste would be a reproach to the age, and the consequent riots, feuds, and confusion, would mark this measure as an epoch in the career of profligate wastefulness, of a discomfited, defeated, and desperate Administration.—True it is, by an amendment, the same person shall be entitled to but one pre-emption. But what may hinder him from getting one in each and every State and Territory? Where are the guards? What check is provided? None, not one!

One of the amendments declares, that a man may not move off from a settled home and get a pre-emption by going on the public land in the same State. What prohibits his doing the thing by going into the next State or Territory? or all the other States and Territories? It is declared to be for the benefit of the poor, and yet a man on a fraction of forty acres may not have the benefit, while the wealthiest money-holder may avail himself of the privilege.—Admirable equality! The friends of the measure have refused to confine these bounties to the poor, worth not more than \$1,000 or \$500, and yet the man fixed to a poor spot of little value, with his wife and children, shall be inhibited, while the rich in bank stock, money, or other personal estate, shall enjoy it. This is one of the beauties of a scheme conceived in a spirit of such ardent devotion to the interests of the poor and laboring man!

But an objection yet stronger, if possible, exists to the mode of adjusting and settling the disputes arising from conflicting claims among these settlers. The mode

proposed in the bill, is quite characteristic of the principles of the past and the present Administration which now lies stranded.—It brings the masses of conflicting claims that must arise under this bill, within the range of Executive determination, to be despatched summarily and with a sort of military celerity—the executive agent disposing of a complicated and knotty question of private right, with the facility that he would wheel a squadron of well-disciplined political troops. Sir, it erects a new sort of jurisdiction, with vast and unrestrained powers, taking within the scope of its jurisdiction, vast and complicated interests.

The registers and receivers of the land districts, subject to the regulation of the head of the land office, are to dispose of all the questions of conflicting claim in a summary way. Can any one fail to perceive, that there is held out every conceivable lure and temptation to fraud, that the bill opens the way to a regular system of corruption; that these powers will be developed on men not most distinguished generally for ability, and yet with duties overtaking the highest ability? Will it not tend to corrupt both the Government and its dealers? May it not be wielded so as to subjugate the entire frontier, from the lakes to the gulf to the will of their politico-judicial masters? A dozen men make a rush for a mill-seat or water privilege or salt spring, and in case the rifle and bowie-knife shall fail as judicial instruments to settle the controversy, then the appeal lies to this other eccentric judicial tribunal of the registers and receivers, whose judgments are to be final and definitive. I suppose we need not fear that the sword of Brennus, or the bowie-knife, or other extraneous matter, will be thrown into the judicial scales.

But this is a log cabin bill. In its title it purports to be especially for the tenants of log cabins. Its friends are friends of the log cabin; it is designed to confer a bounty on the great body of those poor men who have no means to better their condition but to settle on a little spot of wild land and build themselves a log cabin. Yes! it is to provide a home for the log cabin men, for the poor, hard-handed, honest, industrious settler! Admirable beneficence! I am glad to see gentlemen's sympathies awakened for this great body of our citizens—the greatest indeed, whether we regard them for physical force, devoted patriotism, or for those homely, simply primitive, untainted, and genuine virtues, so much out of fashion in the saloons of the great and powerful. I respect them, I esteem them, and I would cherish them to the extent of my ability. Yet, with what consistency have we seen the gentlemen act, who hold to us this language? Will they consent to a \$500 limitation? No. To a \$1,000 limitation? No, sir. They invite to competition with them, not only the wealthy of our own country, but the whole world, of every tongue and clime, whether they come in rags or purple or fine linen.

And yet they talk, as if the bill were especially for the poor. Who can believe it? Or who does not believe and know, that the bill is what one of its friends described it, (Mr. Anderson,) the first step towards a final disposition of the public domain? I am not, indeed, disposed, either as a private individual or a public man, to regard the public domain purely in a financial view. The General Government holds these lands as a trust. They should administer, or rather execute, this trust, reposed in them, justly, but with liberality. I am not restricting the system to such rules as bind a Master in Chancery. I would, if I could, elevate myself to the position of a Statesman. I would regard the public domain as a trust, in which all the States have an equal interest. While I am just, I would be liberal; but, while liberal, I would be just. I ask, what right has this Federal Government to administer this trust, but in such a manner that it shall inure to the benefit of all the States? Where do gentlemen find their authority? Nowhere.

To judge rightly of this specific measure, we must consider it in connexion with the graduation bill. And who can doubt that the two united, will cut deeply into the financial resources of the country?—that they will deduct large sums from the fiscal means of this Government? What is the first step in the practical operation of this bill? In the first place, all the lands likely to bring a price over the minimum established by law, will be seized on forthwith, not only by our own citizens, but by the renegades and aliens of the Old World. And then what remains? What gentlemen call the refuse lands—will be brought under the auctioneer's hammer on behalf of the Government. Who will bid? No one. What next?—These lands having been offered, and remaining unsold, the auction system will be withdrawn from them, and they will then be subjected to the Procrustean operation of the graduation system; descending rapidly from \$1 to 50 cents, 25 cents and 12 1/2 cents, and then an unconditional surrender of the residue to the States, respectively in which they lie. The average amount of the auction sales under the present Administration does not much exceed the minimum price. But let all the lands which in the first place would sell at prices greatly exceeding the minimum go off at the minimum; and then apply the graduating principle to the residue; is it not plain that the average income from auction sales would be greatly below the minimum?

On this subject my attention has been recently drawn to a very valuable and important paper, which discloses that system of delusion which has for many years been played off upon the public mind; such a systematic scheme of deception and imposture as I never could have believed to exist, had it not been proved by official documents. I refer to what has been constantly told us in reference to this principle of graduation. I will not detain the Senate by going through all the details, though they eminently deserve the most careful and attentive consideration, and I hope you will have it from those more familiar with the subject than I am, and if a gross delusion has been practised, as I conceive, for years, upon the old States, I trust it will be corrected.

I find that in pursuance of a resolution adopted by the Senate, the head of the land bureau caused returns to be made of all the public lands unsold, in the respective States and Territories, accompanied with such other information as was deemed useful in forming a just estimate of the value of this great national property. I find that, on the 30th of June, 1828, there remained in Ohio 2,584,847 acres of public land unsold.—The land officers estimated the value of this more than two and a half millions of acres, at \$1,747,125, or nearly one million and three-quarters of dollars. These lands had been offered and in market from seven to twenty-eight years, but little less than half of them had been in market twenty years and upwards. They were represented as inferior, and to effect sales the prices ought to be graduated. Well, sir, on the 30th of September, 1837, some nine years thereafter, upwards of two millions of acres of these lands had been sold at the minimum of \$1 25 per acre, realizing to the Treasury \$2,726,599—exceeding the estimates of the officers, who ought to have been well informed, by the sum of \$979,473, or nearly one million of dollars; there then remaining on hand nearly five hundred thousand acres, the most of which has since been sold at the Government price.

I find similar startling discrepancies between the estimated values and the sums actually realized from sales, applying to Indiana, Illinois, Alabama, Mississippi, Louisiana, Arkansas, and Missouri. In the St. Louis land district of Missouri, I find that on the 30th June, 1828, there remained of public lands unsold 2,219,426 acres. These lands were represented as having been in market under the Spanish Government for forty years, and under this Government for ten years. It was further represented that they had been so "picked and culled" that there did not remain one quarter-section of first-rate land. They were valued at different prices, but the great mass at 1 1/2 cents per acre. The total value was estimated at \$333,000, or about the third of a million of dollars.

Well, sir, again. On the 30th September, 1837, or about nine years thereafter, the Treasury had realized \$711,000 from these lands, a sum exceeding the estimated value of the whole of them by three hundred and seventy-eight thousand dollars, and leaving then unsold 1,600,000 acres, much of which but how much I am unable to state, has been since sold at the Government price.

I have selected the St. Louis district simply, because there we find a great bulk of intelligence, and might have expected more correct information from that than almost any other district, and yet from that, what a startling difference between the estimates and the facts. I well remember how, nearly twenty years ago, these Halls were invoked in favor of a graduation bill, and how solemnly we were assured that the lands on which it was intended to operate, never would bring the minimum price. It was argued in reply, and I thought with great appearance of truth, that, as the country should come to be gradually settled, and lines of communication should be opened by turnpikes and railroads, or other facilities afforded for the transportation of produce, the unsold lands would come by degrees to be contiguous to infant settlements, and would then go off at the Government price. In a dense population, every foot of land fit for cultivation, though poor, which yields any sort of timber, will go off at that price, in many instances, if for no other reason, than to keep off a too near and inconvenient settlement.

In looking into the history of our settlements, it will be found generally, if not universally, true, that, as the country fills with population, the inferior and refuse lands come to be prized, and go off. And so, precisely in proportion as the population advances westwardly, and fills each locality, in the same proportion does land once regarded refuse go off. And so it will be to the end, excepting only those lands covered with irreclaimable swamps, or some other obstacle of like difficulty.

Such has been the experience of the old States. In my own, in the portion that I know best, lands that had been much worn fifty or eighty years ago, turned out and recovered with a new growth, cannot be bought any where, there, as low as the Government price.

Sir, the grasping propensities of this Anglo-American race of ours, with its Anglo-Saxon blood, (said I, believe, sir, to be the greatest land robbers in the world,) would give the Government price, ay, and more when the density of population threatened too near a proximity of some disagreeable neighbor. [A laugh.]

In Alabama, I find, from this table, the most singular and extraordinary results.—There the population has filled, and is yet filling. In the Cahaba district nearly all the lands have been sold for three, four and five times the amount of the estimated value by the land officers in 1828. And so it will be to the end. To the base of the Rocky Mountains, and when you shall have scaled their lofty summits, and passed to the western base, so it will continue to be, until the restless energies of our people shall be stayed by the broad Pacific. I would invoke the serious attention of Senators, more conversant with these subjects than I am, to the marked contrast between the estimates in 1828 and the actual results as proved by the sales. I will ask their attention to the singular accuracy with which the predictions of the opponents of graduation have been verified by the results. In Ohio they have been completely tested and verified. In Indiana, not so fully; but the experience is in a rapid process of development, and all the indications augur similar results. In Missouri, the experiment is in its initiatory process, but as far as it has gone, it gives the most flattering promise of results equally satisfactory. And so of all the rest.

There is another feature of the bill to which I feel less objection; and which has been animadverted by the Senator from Kentucky, near me, (Mr. Clay.) I think it presents a strong objection to the bill. The Government once felt severely the incumbrance of the credit system in reference to the sale of our public lands. An evil will not soon be forgot-

ten. This bill revives that credit system, and multiplies it to a great extent, for the cash system now existing. It extends a credit, professedly, to one or two classes of purchasers, and practically and substantially to all. A man enters on a tract of land before he pays for it, and isto pay for it within a year. How are you to get rid of him if he does not pay? When the "Convention of the World," held in London, shall send here all its constituents, how are you to get rid of them if they fail to pay for their land? Does not your bill convert the system of cash payments into a system of credit? And what will be the consequence?

We shall have petitioners besieging this Congress; House of Congress; hosts of sturdy beggars, petitioning, and finally to forgive them their debt. We have seen all this; and are likely, should the bill pass, to see it again.

We all remember the effect of the national platform in 1818 and 1819. You know how your ear was vexed with perpetual petitions, until at last you were wearied out, and you gave up 33 1/3 of your demand, and allowed the debtors a long time to make up the balance. So it will be here. If a man pays you in cash, it will be a matter of voluntary liberality. All the better land which might sell well at auction, will be at once seized upon and credit of necessity ensue.

Gentlemen complain of the liberality of the old States. They call them Shylocks, and say we demand our pound of flesh and all that. I repeat all such imputations, as far as they are directed against me, I participate as largely in the pride excited by the progress of our Western States as the proudest of all the Western men. I see with wonder and joy the daily developments of that vast portion of our country, and I am fully aware that it is ere long to become the centre of our political world. My constituents do not demand of me to become a Shylock in their name; they rejoice, as I do, in the hourly extension of this great Republic; they exult in the extension of its territory, bearing with it, in all directions, the arts of civilization, the love of liberty, and an adherence to our invaluable Constitution. We are prepared to go as far as gentlemen from the West themselves, in doing all that can with justice be done to give a stimulus to the growth of the new States of the Confederacy. But really, with all my knowledge, but a very slight opportunity of forming an opinion, it does seem to me that the change of liberality is a little un-aided by facts and reason as any accusation I ever witnessed in my life.

What is the relation which these States bear to the Government while they remain in their state of territorial pupillage? Have they not all been in succession the frontlines and the purplings of the West? Have we not dandled them upon the knees of indulgence, rocked them in the cradle of indulgence, and fed them, like petted infants, with the money of this Government? If any thing, they have indulged them too fondly, till like other pets, they have been in danger of becoming spoiled by over-much kindness. Who can deny that the West has ever been treated, here, with the utmost liberality? Never have they asked for either public or private aid at our hands and been refused. We have given them lands and money, and we have poured forth the chivalry of the old States for their defence in danger. Surely they have no just grounds of complaint against us; they certainly have not, for I am ready to lend them all the aid in my power toward attaining that commanding position which it is their destiny to attain.

But what, I ask, is likely to be the effect of such a bill as this upon the older States? The public lands constitute a trust fund to be administered for the benefit of all the States, and not for the sake of throwing into the West a preternatural plethora of growth and prosperity, to inflict injustice and injury upon the rest of the Union. And yet what must be the effect of such a bill on the strength and prospects of the old States? The enterprise, the adventurous young men who will all flee to the West, leaving the States to weakness and decrepitude, and we are to be left to support the comparatively inert mass which they leave behind. Yet, in all that tends to elevate the human character—in all that fosters moral and intellectual excellence, they might have enjoyed at least equal advantages had they remained at home. Certain it is that North Carolina has poured forth into the West and Southwestern country a mass of talent and energy such as, had it remained there, would have enabled my State to lift her head as proudly as any one of her sisters in the great family of the Union. And ought it not to be the aim of this Government to infuse an equal degree of health and vigor into every portion of this wide Republic? Do our Western friends desire to see us impoverished, in order that they may be built up and strengthened? I well know that, should we be invaded by a foreign foe, or our honor or safety threatened with danger, the men of the West would be the first to hasten to our aid. A more chivalrous people does not exist upon earth; and generosity is well known as forming a prominent feature in their character. And sure I am that, could they but abstract their minds for a moment from the force of that prejudice which has grown up with a false system of administration of the public lands, the new States would be the last to desire, by excessive and unnatural stimulus, to withdraw their defenses and prostitute the strength of their venerable mothers on the Atlantic coast, to be used as a support for the friends of this bill to put out, if they can, a single compensation it offers to the old States for tempting their population, even lads of sixteen to leave their homes and their parents and go into the new States. I know of none I can perceive none, unless it be to leave to desolation the paternal fireside. None, none.

But we are told by my friend from Missouri (Mr. Linn) that it is indispensable that this system of pre-emption should go on, because the American People cannot be restrained from seizing on the lands of the Government. Do we not all attempt to put a stop to it? Do we not all endeavor to get the country out of hearing language like this. I had entertained a very different opinion indeed of the American People; and my life on it—knowing that gentleman as I do, to be brave, prompt, and resolute—I am confident that were he President of the United States, and should the law be openly resisted, he could and would enforce its execution.

[Mr. Linn (speaking across.) I would resign first. A laugh.]

Ay, the Senator might resign. The kindness of his heart and his habitual indulgence of the wishes of his constituents might induce it. That proves nothing. But his energy could arrest what his kindness might tolerate. I know very well that, when vast tracts of lawless settlers shall have been accumulated on the frontier, it would be an odd task, and attempt to remove them by any means. Happily, there never has a human being in the country committed death in such a struggle since the foundation of the Government. But I have no doubt that this enlightened and law-abiding People, differing as they do from the population of any nation under Heaven, would respect their own authority too much to resist their own laws. In Europe, indeed, obedience must be enforced by a forest of bayonets and a park of artillery; but here, in this free, self-governed Republic, there is no law that may be enforced by the constable and his staff. Among my countrymen, a title scrip of parchment in the hands of a plainly armed, unarméd citizen works like a charm; no wonder it is credited that the uplifted hand falls powerless to the side, and, like genuine descendants of the Anglo-Saxon race, it is their pride, their choice, their glory to bow to the majesty of the law. If, indeed, you allow whole States to be filled up by squatters—I beg pardon, I mean by gentlemen who think proper to sit down on land which does not belong to them, and without any pretence of title—we may prefer to pass a retrospective pre-emption law to pressing our demand, and standing upon the rights of the Government. But, for the future, let the President place upon our new lands, not his uniformed soldiers, but his bayonets, and let the first intruder be brought up and tried. I have no doubt, and I trust, that a jury of the vicinities would convict and punish him.

[Mr. Linn (speaking across.) said, "Never! it has been tried, once and over."]

Sir, the bill now before us has resulted from some injudicious mode of bringing up the matter. Let the naked question be to the jury, the landed factor, "whether there was intrusion into the lands," and "whether upon authority from this Government," and all that I date to put upon it, I would put, that the