

[PUBLIC.—No. 10.]
AN ACT to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compact entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the net proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: Provided, That the sum so allowed to the said States respectively, shall be no more affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compact with several of the said States.

Sec. 2. And be it further enacted, That after deducting the said ten per centum, and what, by the compact aforesaid, has heretofore been allowed to the States aforesaid, the residue of the net proceeds— which net proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's office; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States—of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as they may think proper: Provided, That the said distributive share to the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: And provided, also, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

Sec. 3. And be it further enacted, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands shall be paid at the Treasury half yearly, during the operation of this act, to such States as are named in the respective Legislatures of the said States and Territories, or the Governors thereof in case the Legislatures shall have made no such appointment, shall authorize and direct to receive the same.

Sec. 4. And be it further enacted, That any sum of money, which at any time may become due and payable to any State of the Union, or to the District of Columbia, by virtue of this act, or the portion of the said State or District of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due and payable from the said State or District, to the United States: Provided, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of twenty-third June, eighteen hundred and thirty-six, entitled "An act to regulate the deposits of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

Sec. 5. And be it further enacted, That this act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: Provided, nevertheless, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, then the portion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this act, together with what such State or States may be entitled to by virtue of compact to be made on their admission into the Union.

Sec. 6. And be it further enacted, That there shall be annually appropriated for completing the surveys of said lands a sum not less than one hundred and fifty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased, unless Congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved; and in case the minimum price shall be increased by law, except as aforesaid, at any time during the operation of this act, there shall be so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, in this act to the contrary notwithstanding: Provided, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second, one thousand eight hundred and thirty-three, entitled "An act to modify the act of the fourth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to wit, twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended, and shall so continue until this cause of its suspension shall be removed; and when removed, if not prevented by other provisions of this act, such distribution shall be resumed.

Sec. 7. And be it further enacted, That the Secretary of the Treasury may, and he is authorized, to divide any land district in which is situated the land office of Government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or in order to close the land system in such State at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and forty.

Sec. 8. And be it further enacted, That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: Provided, That to each of the said States which has already received grants for said purposes there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received, as aforesaid, make five hundred thousand acres; the sections in all of the said States to be made within their limits respectively in such manner as the Legislatures thereof shall direct and located in parcels, conformably to sectional divisions and subdivisions, not less than three hundred and twenty acres in one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said State respectively shall have been surveyed, according to existing laws: And there shall be and hereby is granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and such as may be reserved from sale by any law of Congress or proclamation of the President of the United States, shall make five hundred thousand acres of land, to be selected and located as aforesaid.

Sec. 9. And be it further enacted, That the lands

granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to the objects of internal improvement within the States aforesaid respectively, namely: Roads, railways, bridges, canals and improvements of water-courses, and draining of swamps; and such roads, railways, canals, bridges, and water-courses, when made or improved, shall be for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Sec. 10. And be it further enacted, That from and after the passage of this act every person, being the head of a family, or widow, or single man, over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as first required by the naturalization laws, who, since the first day of June, A. D. eighteen hundred and forty, has made or shall hereafter make, a settlement on the public lands within the limits of the Indian title had been, at the time of such settlement, extinguished, and which has been, or shall hereafter be, surveyed prior thereto, and who or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no lands reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to claims sections granted to any of the States for the construction of any canal, railroad, or other public improvement; within the limits of any reservation, no portions of the site for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and agriculture; and no lands on which are situated any known salines or mines, shall be liable to enter under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty-second June, eighteen hundred and thirty-eight, or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing Rabbit creek, be, and the same is hereby, repealed: Provided, That such repeal shall not affect any title to any tract of land second in virtue of said treaty.

Sec. 11. And be it further enacted, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the United States.

Sec. 12. And be it further enacted, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land district in which the register and receiver to such rules as shall be prescribed by the Secretary of the Treasury, who shall be entitled to receive fifty cents for each applicant for his services to be repaid as aforesaid; and all assignments and transfers of the right hereby secured prior to the issuing of the patent shall be null and void.

Sec. 13. And be it further enacted, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the register or receiver of the land district in which the land is situated (who are hereby authorized to administer the same) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred acres or more of land in any State or Territory of the United States, nor that he or she has settled on and improved any land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all rights which he or she may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Sec. 14. And be it further enacted, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President, nor shall the provisions of this act be available to any person or persons who shall fail to make the proper payment, and file the affidavit required before the day appointed for the commencement of the sale aforesaid.

Sec. 15. And be it further enacted, That whenever any person has settled or shall settle and improve a tract of land, subject to the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall in the first case, within three months after the passage of the date of such settlement, file with the register of the proper district a written statement describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof and payment within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Sec. 16. And be it further enacted, That the two per centum fund of the net proceeds of the lands sold, or that may hereafter be sold by the United States in the State of Mississippi, since the first day of December, one thousand eight hundred and seventeen, and by the act entitled "An act to enable the People of the western part of the Mississippi Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," and all acts supplemental thereto, reserved for the making of a road or roads leading to the State of Mississippi, payable in two equal installments: the first to be paid on the first day of May, one thousand eight hundred and forty-one, and the other on the first day of May, one thousand eight hundred and forty-two, so far as the same may have accrued quarterly, as the same may accrue, after said period: Provided, That the Legislature of said State shall pass an act, declaring their acceptance of said

relinquishment in full of said fund, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied to the construction of a railroad, leading from Brandon, in the State of Mississippi, to the eastern boundary of said State, in the direction, as near as may be, of the towns of Selma, Cahaba, and Montgomery, in the State of Alabama.

Sec. 17. And be it further enacted, That the two per cent. of the net proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September, one thousand eight hundred and nineteen, and reserved by the act entitled "An act to enable the People of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama, payable in two equal installments, the first to be paid on the first day of May, one thousand eight hundred and forty-two, and the other on the first day of May, one thousand eight hundred and forty-three, so far as the same has accrued, and quarterly, as the same may hereafter accrue: Provided, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the construction, by some means of internal improvement, of the navigable waters of the bay of Mobile with a continuous line of internal improvements from a point on the Chattahoochee river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi.

JOHN WHITE,
Speaker of the House of Representatives.
SAM'L L. SOUTHWARD,
President of the Senate pro tempore.
Approved, September 4, 1841.

JOHN TYLER.

SPEECH OF
MR. RAYNER, of N. Carolina,
On the Bill proposing to distribute annually, among the several States, the proceeds of the Sales of the Public Lands; delivered in the House of Representatives of the U. States, July 6th, 1841.

MR. RAYNER said, the question, of the proper disposition to be made of the public lands, was one, which had been so often and so ably discussed, that he felt great diffidence in attempting to say anything in regard to it. As he considered this a subject fraught with the most important consequences, both to the destiny of the Union and the prosperity of the States; and as he believed, now, in all probability, was the only time when this great measure ever could succeed, he felt bound to say something upon the subject.— That a proper settlement of this long exciting question was connected with the future policy of the Government and destinies of the Union, must be apparent, when it was considered, that the public mind had been turned to this subject throughout the whole country—and that it was one of the cardinal measures, under which the present dominant party marched to victory, in the late political contest. When we look further, (said Mr. R.) at the immense power accruing to this Government in future time, from the management and disposition of this inexhaustible source of wealth; and the sensitive disposition of the people of the different sections of this country, in regard to their obtaining of a fair and equitable portion of the benefits of this Government—we must see that this question of the disposition of the public lands is growing in importance daily, as the population, wealth, and enterprise of the country increase. The consideration of this subject is invested with especial consequence at this time, from the interesting era in which we live, and the peculiar crisis which has arrived, in the internal affairs and relations of the several States. We live in the age of improvement.—The progress of nations now, to greatness and to glory—instead of being the slow work of ages, is the rapid movement of a generation. All the improvements which tend to develop the wealth and resources of a people, are hurried on with a power like that of magic. The mountains are bowing their heads, and the rivers yielding their streams, to the enterprise and ingenuity of man; and so far from obstructing, are offering facilities to, the transportation of the rich products of the western forests, to the commercial depots of the Atlantic coast. This is also the age of mental, as well as physical improvement. Science is doing for mind, what art is doing for matter. And judging from the history of the past, the problem is soon to be solved—of how great perfectibility the human mind is capable of attaining. The States of this Union, through a laudable ambition, are running a race in this career of improvement. In order to the accomplishment of these great purposes, in which they are engaged, they must have money,—yes, money—which is the sinews of improvement in peace, as well as of war. They want money, not for the purpose of idly spending it—not for the purpose of gratifying the ambitious enterprise of a day—but for the purpose of laying the foundations of a system of prosperity and glory, to be enjoyed by posterity for ages to come. Fortunately for our country, and our institutions, our vast public domain constitutes an endless source of revenue, adequate to the great purposes to which I have adverted. And those States, which are in advance in this great and glorious race of improvement, have, most of them, encountered debts and difficulties, from which their share of this common property will relieve them, without imposing domestic burthens on their own citizens.

My next principal reason, for supporting this measure at this time, is, that we should adopt some permanent system, for the future disposition of the public lands—a system which will have, as a guaranty for its duration, the faith of the General Government on the one hand, and the vested rights and individual interests of the State governments on the other. I verily believe, that unless this question is settled on some permanent basis during the present Congress, that the public lands will soon cease to be a source, either of ordinary revenue, or for distribution. They will either be converted into political capital, with which gambling politicians will bid for the high places of power—or they will be seized with the strong hand of violence, and appropriated to the use of the new States alone, that have grown into

power by our fostering care. Need I attempt to prove the former of these propositions, when every aspiring politician is torturing his brain to invent some system for the disposition of these lands, which may secure to him the favor of the new and rising States—on account of its being for their benefit exclusively? Has not this measure, in a great degree, become a party question? Do you not see men from the old States, who received these lands as an inheritance from their ancestors, and who should preserve them as a legacy for their posterity—willing to convert this great national treasure into political stock, to be exchanged for a mere ephemeral exercise of power? Are not the power and patronage, incident to the survey and sale of these lands, daily strengthening the Executive arm, and threatening to poison the fountains of political integrity?

Is there no danger of the new States laying claim to the whole of the Public Lands within their limits? Tell me not of Constitution, of law, and of justice operating on communities, when interest and power are thrown in the opposite scale. Let the apportionment of representation under the late census take place—let the overwhelming power of the new States once be represented in this hall, and you will see, whether they will not attempt to reconcile the appropriation of the whole public domain to their own use, with their duty to the Constitution, and their pledged faith to the old States. This proposition was heard only in faint whispers a few years since—now it is boldly proclaimed in the councils of the nation, and we are daily admonished of the rising power of the West, and warned of the time, when that section is to dictate law to the balance of the Union. And once this system is commenced, you can never arrest its progress—once we relax our grasp upon the public domain, it will be gone forever. For, if you give to the present new States, all the public lands within their limits, each State in succession, as it comes into the Union, will claim the same favor; and you cannot consistently withhold it. They will not wait till they are admitted into the Union—Territories will put in their claims; and, hereafter, the establishment of a Territory will only be a preliminary step, to a surrender of the lands within its limits.

I am, therefore, for establishing a permanent system for the disposition of the public lands now, now whilst the public mind is awakened to the subject; when public expectation demands it on our hands. I am for removing these lands beyond the reach of political or party influences. I am for depriving political speculators of this stock, with which they are trading away the rights and interests of the several States. I am for weakening the arm of executive power, by depriving it of this vast corruption fund. I am for allaying the jealousies which are fast arising between the new States and the old, in regard to this matter; and for identifying, forever, their interests, and the sources of their prosperity.

In order to the proper understanding of the relations between the States and the General Government, in regard to the question of the public lands—we must go back to an early period of our history. The original patentees of the crown of England, claimed all the waste lands, as far west as the Pacific ocean. Here, then, we see, that the claim of the colonies to the unappropriated lands of the west, is identified with the first settlement of this country. When the colonies were afterwards converted into royal governments, either by grant from the patentees, or the forfeiture of their charters, the crown succeeded to all their powers and privileges; and, hence, these waste lands, even to the South sea, were claimed by the crown. By the treaty of 1763, however, the Mississippi river was established as the boundary between British America, and Louisiana, then owned by the French. When the colonies revolted against the British Government, and declared independence—each one of them claimed all the authority, powers, rights and privileges of sovereignty, which had been exercised by the crown; and consequently, laid claim to all the waste lands then owned by it—which claim was ultimately confirmed by the treaty of peace in 1783. Each of the States laid claim to all the lands originally contained in their colonial charters limits. This question, of the right of the States to all the waste lands within their chartered limits, excited great attention at an early period of the revolution; and prevented, for a time, the ratification of the articles of confederation. The States which held no waste lands insisted—and with apparent justice too—that as they were all engaged in a common struggle, and as these waste lands were to be wrested from a common enemy, by a common sacrifice; they ought to be considered as common property, to be used for the common use and benefit of all the States. Their object was, no doubt, to secure a common fund, to pay the common debt of the revolution.

Some of the States refused to sign the articles of confederation, unless upon the condition, that the States claiming unappropriated lands should surrender them as a common fund. As early as 1776, the convention which framed the constitution of Maryland, passed the following resolution: "Resolved unanimously, That it is the opinion of this convention that the very extensive claim of the State of Virginia to the back lands hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the small States and the liberties of America may be thereby greatly endangered; this convention being firmly persuaded that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free, and independent Governments."

As late as 1779, when all the other States had signed the articles, she still refused, and instructed her delegates in Congress, to insist upon a surrender of the lands, by those States claiming them. The following is an extract from these instructions: "We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown, and ceded to us by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent Governments in such manner, and at such times, as the wisdom of that assembly shall hereafter direct."

"This convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be further explained. We have coolly and dispassionately considered the subject; and we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederacy."

When Delaware acceded to the confederation in 1779, she also passed the following resolution, as a part of the condition of her accession: "Resolved, also, That this State consider themselves justly entitled to a right in common with the members of the Union, to that extensive tract of country which lies to the westward of the frontier of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war, but that the same hath been or may be present war, or the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States."

"That 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;"—therefore has the Congress, assign, transfer, and set over to the United States of America, for the benefit of the said States, North Carolina inclusive, all the right, title and claim which the said State hath, to the sovereignty and territory of the lands, &c."

The same being in virtue of an act of the General Assembly of the State, which declared, "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 proportions in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

In the deed of cession from Georgia, which was the last, and the only one executed after the adoption of the Constitution, bearing date, April, 1802—it is also expressly stipulated, that the lands ceded shall be "considered as a common fund for the use and benefit of the United States. Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose."

By comparing the resolutions of the old Congress, before cited, inviting the States to make these cessions, with the language used by those States in their deeds of cession, we are enabled to discover the motives which induced the States to make these patriotic sacrifices. We shall see, that the object, to use the language of the act of Assembly of North Carolina, was "as well for hastening the extinguishment of the debts, as for establishing the harmony of the United States." These debts having been extinguished, and the primary objects of the cession having been accomplished, we must recur to the deeds of cession, in order to ascertain what ultimate disposition, the States contracted to be made of these lands.

The deed of cession from Virginia, which was the most important, in consequence of the greater amount of territory conveyed, expressly stipulated, that the lands ceded should "be considered as a common fund for the use and benefit of such of the United States as then had become, or should become, members of the confederation or federal alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and should be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever." And it is little remarkable, that almost the identical same language should be used in all the deeds of cession. They all stipulate, that the lands ceded should be for the common use and benefit of the United States. Why should the ceding States have so expressly stipulated, that these lands were to be held as a common fund, for the common use and benefit of all the States, if the grant was unqualified and unrestricted? If it was intended that these lands should become mere national property, the proceeds of which were to go into the national treasury, for the ordinary support of the Government, in all future time, a formal grant in general terms would have been sufficient: and why insert the express provision, that they should be held for the common use and benefit of all the States? If full and unconditional power over these lands was intended to be conveyed, why should each State have expressly provided, that this common fund should be disposed of for the common use and benefit of all the States, the ceding State inclusive? For if it was simply intended that the lands should become general property, go into the general treasury, and support the General Government, each State, as a member of the confederation, would have received its benefit and advantages, as such, without the insertion of a clause inclusive of itself. Why should each State have expressly stipulated, that the lands should inure to the use and benefit "of such States as might thereafter become members of the confederation," if it was intended that the proceeds of these lands should always continue to defray the expenses of the general treasury? Had this been intended, each and every State that might ever become a member of the federal alliance, would have received its benefit, in the exemption these lands would have afforded from other purposes of taxation—but no clause been inserted, extending the use and benefit of this fund to such States as might afterwards become members of the confederation.

It will not be pretended that these stipulations mean nothing. It is paying a poor compliment to the wisdom and sagacity of our fathers, to say that they are mere idle verbiage. If they mean any thing, what do they mean? What can they mean, except that the States intended to restrict the action of the General Government, in the disposition of these lands—and that the balance after the "extinguishment of the debts" had been incurred, and to be incurred, should be disposed of, that each State should receive its individual and separate share of the common use and benefit resulting from their application?

(To be continued.)

Responsibility of Drunkards.—It is a maxim in legal practice, that those who presume to commit crimes when drunk must submit to punishment when sober. This state of the law is not peculiar to modern times. In ancient Greece, it was decreed by Pittacus that he who committed a crime when intoxicated should receive a double punishment: viz: one for the crime itself, and the other for the inebriety which prompted him to commit it. The Athenians not only punished offences done in drunkenness with increased severity, but, by an enactment of Solon, inebriation in a magistrate was made capital. In our country at the present time, acts of violence committed under its influence are held to be aggravated, rather than excused; nor can the person bring it forward as an extenuation of any folly or misdemeanor, which he may commit. A bond signed in intoxication holds in law, and is perfectly binding, unless it can be shown that the person who signed it was inebriated by the collusion or contrivance of those to whom the bond was given.

By a further reference to the journals of the old Congress, we find the following resolution, passed the 10th October, 1780: "Resolved, That the unappropriated lands that may be ceded to the United States by any particular State, pursuant to the recommendation of Congress, of the 6th of September last, shall be disposed of for the common benefit of the United States."

Again, in April, 1783, after the cession from New York, but before the cession from Virginia, the old Congress adopted the following resolution: "Resolved, That as a further mean, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, it be recommended to the States which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the States which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance."

These historical incidents are important, as tending to show the views and feelings which prevailed at that time, in regard to this measure—the motives and inducements which led to the surrender, by those States claiming lands; and the objects and purposes designed to be accomplished, by those States demanding the surrender.

It is very evident, from the very language of the resolutions, both of the old Congress, and the States insisting upon a surrender, that their object was not only to secure peace and harmony, but to create a permanent common fund, for the payment of the debt then incurred, and to be incurred in the prosecution of the war.

By examining the deeds of cession from the States which surrendered their waste lands, we find another condition inserted in every one of them—a condition accepted by the confederation, and which has accordingly become a part of the contract. This condition was, that these lands were to constitute a fund, to be used for the common use and benefit of all the States that then were, or might afterwards become, members of the confederacy—the ceding States inclusive. Let us examine the deeds of cession.

In the deed of cession from New York, which was first in point of time, and which bore date February, 1780, we find the following language: "And we do by these presents, in the name of the people and in behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the States as are, or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction, and claim of the said State of New York, to all lands, territories," &c., "and to be granted, disposed of, and appropriated in such manner as the Congress of the said United or confederated States shall order and direct."

In the deed of cession from Virginia, which followed next, and which bore date March, 1784, we find the following: "That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned 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 the United States as have become, or shall become, members of the confederation, or federal alliance of 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 whatever."

The deed of cession from Massachusetts, which bore date March, 1785, declares that her delegates, "by virtue of the power and authority to them committed,"

Assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title, &c., and conclude by declaring that the cession is made "to the uses, in a resolve of Congress, of the 10th day of October, 1780, mentioned."

In the cession from Connecticut, which bore date September, 1786, her delegates,

"Assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction and claim which the said State of Connecticut hath," &c., "for the uses," in a resolve of Assembly declared."

The uses mentioned in the act of assembly referred to, were "for the common use and benefit of the said States, Connecticut inclusive."

The deed of cession from South Carolina, which bore date, August 1787, declared that her delegates do

"Assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, all the right, title, interest, jurisdiction and claim which the State of South Carolina hath, in and to the before mentioned and described territory."

The cession from North Carolina, which bore date, February, 1790, declares,