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Speech of F. Norcom, Esq. in the House of Commons, on the 3d of January, 1835, on the following resolutions, introduced by Doctor Henderson:

Resolved, as the opinion of this General Assembly, that any act by which the Congress of the United States shall give the public lands to the States in which they are situated, or any act...

MR. SPEAKER:—The members of this body will do me the justice to admit that I am not in the habit of occupying the floor often, or long at a time; but I must beg their attention at present longer than usual, since the subject now before us is one of more importance to our State...

I will promise, sir, for one, not to make it a party question myself; and on the other part I can assure gentlemen of a different opinion, viz. that the people will not make it a question of Jacksonism or anti, when they once come alive to the question; and for I take my seat, if this House so disposed, I will certainly endeavor to shed what light on the subject circumstances may have enabled me to accumulate.

Those who are acquainted with Colonial history well know that Charles II granted to certain gentlemen, known as "Lords Proprietors," a charter for all lands within the northern limits of this State and southern line of South Carolina, extending to the Atlantic and the Pacific Ocean.

Canada, and on the Mississippi, and they claimed to hold all the lands west of the Mississippi river, and north of the Lakes and the river St. Lawrence; a war ensued between England and France, and by the treaty of 1763 or 5, which terminated it, the claims of the French were admitted, and afterwards our limits west were confined to the Mississippi river—South Carolina was separated from the rest of this grant; and we held at that time all of that land now constituting the State of Tennessee, a country many years a head of her ancestor in moral and physical improvement, and in a fit of generosity we parted with that better half, from which we are destined never again to realise a dollar of revenue.

Virginia, New York, Connecticut, Georgia, &c. acquired other large tracts of land under circumstances varying in no substantial degree from our acquisition. So if discovery, conquest and purchase, united, can give title to a country, beyond any question we once had the title to these lands—and by virtue of a successful revolution the States succeeded to the rights of the crown in this immense domain.

The circumstances which led to their cession to the Federal Congress were principally these: In the defence of that liberty which we now enjoy in peace, and in the struggle for that independence of England which was attained by so great a sacrifice of blood and treasure, we necessarily had to borrow large sums of money to support the war waged to secure these ends, as our country was not only new, but destitute of that large floating capital to be found in these times. The successful termination of a war so protracted, left us with an immense debt, which hung upon this patriotic land like an incubus, and threatened to sever, at some day, the feeble ties which connected the thirteen old States. During the conflict, the question was frequently agitated, what should be done with these lands in the event of a successful termination of the war; the States holding them contending for all within their chartered limits, and those without any holding that as they were to be gained by mutual sacrifices and losses, they were entitled to a part of them. This question was pregnant with paralyzing divisions and jealousies, when the patriots and statesmen of that day stepped forward to check the progress of discontent and arrest the serious consequences to which this question was about to lead, and by a resolution of Congress in 1780 recommended to the States to surrender their waste lands "for the common benefit of the United States."

The conditions on which they were ceded, must be ascertained from looking to the causes which induced the surrender, and by an examination of the deeds of cession. Some of the causes have already been adverted to; but one more I will now press into service a little further, to wit: the payment of the public debt. Under the articles of confederation, to liquidate this debt contributions were made by the States of specific sums, apportioned to their usual respective proportions in the general charge and expenditure; but there was no means nor power to coerce any state into the payment of her part, either for this purpose or for the support of government. The wisest men were puzzled to devise the ways and means of discharging this debt; the attention of the patriot, the statesman, and philosopher was directed to it, as a subject of disquietude that might lead to results fatal to that state which they had just attained after so long and desperate a struggle. These lands were at last pointed to, and with great wisdom too, as the source from whence might be derived the requisite funds.

From one of these great causes then alone which led to their cession, it is not difficult to ascertain the conditions on which they were relinquished. North Carolina and Virginia surrendered without remuneration; all the other states received a pecuniary compensation in part, or made large reservations for themselves. The deeds, though varying in words, are substantially as follows: "For the use and benefit of all the States composing the Union (N. Carolina included) according to their proportion in the general charge and expenditure; and they shall be faithfully disposed of for that purpose, and for no other use or purpose whatsoever."

ever." If then these historical facts be true, it is perfectly clear we once had title to this domain; we ceded it for a particular purpose, to wit: "to constitute a common fund for the common benefit," and by the covenant they were to be disposed of for that purpose and no other.

Now I need not ask, Mr. Speaker, any legal gentleman in my hearing, but I will submit it to any mind capable of comprehending the import of words, that if "that purpose and none other" for which they were granted is answered, ought they not to revert back to us? If those burdens are removed, and those debts paid off, for which purposes they were conveyed to the General Government, does it not follow beyond the reach of doubt, that the trust having been satisfied, the trustee should now pay over to those who made the conveyance? Sir, it is too plain to require any thing more than a statement.

I do not wish to be understood as claiming for the States that ceded these lands, exclusively, all the proceeds arising from their sale, for two reasons—1st, because a large portion of the lands unsold were acquired by treaty from France and Spain, which cost in all about 30 millions of dollars and of course were paid for by the people at large—2dly, I do not think that a native of North Carolina or any other old state, by removing to Alabama or Missouri thereby surrenders his interest in those lands which were acquired by the blood and treasure of his ancestors. It is but fair the net proceeds should be divided as indicated in the resolutions; and since the General Government now holds these lands, and can survey and sell them, and collect the proceeds with more uniformity and despatch than the separate states could, it is certainly expedient that the present system should be adhered to, and the net proceeds divided among the states, rather than the lands.

Let us now enquire whether the state of things has arrived, which was anticipated, and by the operation of which this branch of revenue is no longer needed by the General Government. We are informed by the President and the Secretary of the Treasury, that on the 1st day of January, 1835, every cent of the national debt will be paid off, and a surplus of some millions be left in the Treasury. So then, the great end having been attained for which they were granted, they are no longer wanted for that purpose, and that astonishing epoch has arrived in the history of civilized nations and is now presented to the world, of a nation of 13 to 15 millions of freemen, living under the happiest form of government known to man, after having gone successfully through two wars with the most powerful and enlightened nation of the world, is not burthened with one cent of public debt. Are there any other causes for retaining this revenue? Let us see. The reports from the Treasury Department inform us, that the ordinary revenues of the Government arising from duties on imports now amount to from 3 to 5 millions, more than is necessary to pay the current expenses of government—so from the 1st of this month, we will have in the Treasury a surplus of from 5 to 10 millions of dollars annually over the legitimate wants of the country, for the support of the Federal Government; and I know of no other object to which this fund could be applied that would bring the application within the objects of the grants—to wit: to be applied to the common benefit of all the States and no other.

I will now, Mr. Speaker, anticipate two objections to this measure, which as they have with some plausibility been made elsewhere, it is to be presumed they may be urged here. It is held by some, that Congress has no power (under the Constitution) to dispose of these lands, or of their proceeds among the States, because they were conveyed before the Constitution was adopted. There are two effectual answers to that objection—1st, there is nothing in the deeds themselves to prohibit such a disposition, but they shew on their face it was a trust fund created in the General Government and the right to return what is left after accomplishing the object of the grant, to the grantees, follows necessarily. 2d, the Federal Constitution was adopted it is true, since these lands were conveyed, but the States that ceded them have subsequently ratified and adopted the Constitution; so that

being the last act must govern, supposing the two to be inconsistent, which I deny. Again—all the land ceded by Georgia, as well as that purchased from Spain and France, which now constitutes the greater part of the unsold public lands, were obtained by the general government since the adoption of the Federal Constitution; and if there can be any doubt in regard to this question as a Constitutional one, the plain words of the 3d section of the 4th article of the Constitution will dispose of that doubt—it reads thus—"Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States," &c. I must say, Sir, in candour, I can scarcely believe any man of sense speaks the truth, when he professes to doubt the constitutional right of Congress over the public lands as herein recommended.

Another objection urged against this measure was that we should reduce the duties on imports below the wants of government, and make up the deficiency out of the sales of the public lands. That was a plausible argument perhaps at the time Mr. Hayne resorted to it—but it no longer applies, for now the Tariff is settled and fixed by a compromise, at a certain rate of duties for ten years; and on the principle too, that the rates shall be fully adequate to the wants of government; no person in his senses is disposed to disturb that question now; nor would he be so permitted I presume, if the attempt were made. The principle and rate of duties being now fixed by compromise for ten years at least, if not forever, it is useless to expect that they will be reduced. Is then this 5 millions to be idle in the Treasury, or to be expended by the general government in purchasing up districts of country, by the adoption of a system of internal improvement that recognises no object as national, where votes cannot be bought? or should it be paid over to its real and original owners, the States, who stand in need of its aid, and with it might effect valuable purposes?

I come now, Sir, to the reasons which should induce us to act at present, and promptly on this matter. An opinion or idea is now prevalent in the West, gaining ground daily, and now advocated by the President, that these lands ought to be surrendered to the States in which they are located, or be sold to them, which is the same thing in the end as giving them. If this question is not settled before the members from the new states take their seats in Congress under the census of 1840, the West will have so decided a majority, that all hope of this resource will be cut off forever. It requires no prophet to foresee, that before many years shall pass over our heads, the inhabitants of the great valley of the Mississippi and its tributaries, will, (by their numbers) completely control the destinies of this country.

I have said, to sell these lands to the new States would be tantamount to giving them, for how under heaven are they to pay for them? Take one State as an example. Illinois had 158,000 population, but about 31 1/2 millions of acres of public lands. Now if we sold this to her at the minimum price it would amount to nearly 40 millions of dollars, or at half price to 20 millions of dollars. Could she possibly pay for it? Sir, could she ever pay the interest on that sum, which would exceed a million annually? And pray how could we enforce payment? for if you retained a mortgage on the land they would not sell. To talk then of selling them is to me perfect nonsense, if I may be pardoned the words;—and to give them away, (dropping the constitutional right so to dispose of them,) what reason on earth can be assigned for making such a donation to these States? For whilst I admit that a native of Virginia or North Carolina does not relinquish or impair his right to this domain by removing south or west 1,000 miles, I am at a loss to conceive by what rules of induction any one can infer by so moving he acquires any new claims. Again, Sir, let us now see what has already been done for these new states. I will read from a report made on an official call from Congress. Grants of Lands to the Western States.

- 1 The 10th section for Public Schools \$1,000,000
2 For Int. Improvement in W. States 2,000,000
3 For Colleges and Universities in do 500,000
4 For Religious & charitable institutions 50,000
5 For tests of State Governments 21,000
6 For Public Reservations 200,000
Total no. of acres granted the West 11,100,000

It is to be kept in mind, that in all these grants, they are permitted to select the lands and sell them on any credit they please. On these terms they may be fairly valued at 10 to 25 per acre. About one hundred million of dollars then these States have already received; add now the pre-emption right, and the 5 per cent. on the amount of the sale in their boundaries, and a reasonable man would suppose them completely surfeited;—but this it appears only increases the appetite for further indulgences. They come forward and ask appropriations of money to clear out every river and creek in the Western States, and to such an extent is this avaricious spirit carried, that last winter it is said, a large appropriation was made to clear out a river that had no water in it, but the bed of which was completely dry. They are not content with having all their roads and rivers cleaned out, colleges, public schools and capitols erected by the public lands; and then a large portion of the land to boot, but they now begin to cry out for the whole! Can any one be surprised at the extraordinary prosperity of the Western States under these circumstances? Was ever a country on earth opened to emigrants on such favorable terms? Why sir we might as well be surprised at the prosperity of a young farmer who had a father standing by with a heavy purse, out of which he bought him land, bought him the hands, cut his ditches, made his roads, and built his houses. Under such a state of things could he help prospering? The only thing that surprises me is, that the old States are not depopulated almost entirely under such a system.

No doubt, Mr. Speaker, those who have paid no attention to these things believe I am laboring under a mistake, but sir, did I not have the facts before me in print, officially communicated to Congress, I would not believe it myself. All who are in the habit of regarding the action of Congress on this subject know too well, the facts here stated; and those who are not have but to turn to the acts passed at any session of Congress for many years past, to see the donations of land made for some asylum, college, or creek, that is not considered national; for if it be a national river or creek, they can get the money voted directly; but if it be not national, then they get the amount in land. I hope I will not be understood as complaining of the western members for obtaining these donations; but I do complain sir, at that policy, which takes from a fund created by all and for the "common benefit" of all, to apply it exclusively, and for a period of years to the benefit of a few states only. And I cannot look with compassion or even with a proper feeling of respect on those members from the old States who have for the last two years opposed the measures introduced into Congress on this same subject; I fear sir the opposition in a certain high quarter, proceeded more from enmity to the distinguished statesman who originated the bill that passed by so large a vote, than from what was stated in the paper signed by his hand as a man on such occasions must have some reason for his course, and as those assigned are admitted to be mere affectations, I am at a loss for any other cause than the one hinted at. And it is a sufficient cause to decide the course of many miserable creatures in Congress (it is well known, and now become not only a subject for boasting but the road to political office with the people,) to learn how the wind blows about a certain quarter, to shape their course accordingly.

But to return to the question—is the application of this common fund, general among the States, or is it partial? Let us examine. I will ask the gentleman from the Albemarle country, how many spades full of sand has the General Government removed from Currituck Inlet or Naggs Head, once outlets to the sea, now as dry as this floor? has a log or sand bar been removed from one of your rivers or from the sound?—you all answer no. Let me ask my friends from Wauke, yes and also from the Neuse, Tar, Yadkin and Catawba how many dams across your rivers has the General Government erected to improve your navigation, or how many snags and sand-bars have been removed by her? Again Sir, when has a dollar or an acre of this public domain that our ancestors acquired by such sacrifices and sufferings, been granted to North Carolina either for a common school, college, or even an asylum for the unfortunate?—not one

cent; if so, I should like to hear of it. There is a thing shovelling and we are told near Ocracoke, where nothing but the immutable laws of hydrostatics prevent us from being completely land locked; the appropriation for this object which was not desired by 50 men in the State, and is of no account now, nor was it ever designed to be; and that at the Cape Fear amounted to about \$20,000 when our share of the proceeds of the Public Lands last year would have been \$226,000.

Will any gentleman here point me out a Road or Canal, a College, a School-house, or any thing, or effort on the part of the General Government to improve the physical condition of N. Carolina, or the moral condition of her people? I fear none can show me the place, or the appropriation—still she has had the use of our lands, and received our revenue for 50 years. Every river and creek in Ohio, Illinois, Indiana, Tennessee, &c. though 1200 miles from the sea, are National, and so cleared out; but our rivers running directly into the sea, or into large sounds are considered unworthy of notice. It is highly National and for the "common benefit," to give land for the purpose of educating all the poor children in Alabama and Mississippi, but neither National nor for the "common benefit," to make similar donations for education of poor children in N. Carolina. And why is this so, and who are to blame? We are solely to blame ourselves; for many times these things could have been got merely by asking for them; and one cause why we have so remained is that we have unfortunately been always hanging on some great man's skirt and worshipping him constantly, instead of attending to our own domestic wants. Ever since I could recollect the people have been in this state, divided into two classes. One large class have remained in a state of torpor, regardless of all things; and the balance have been trying to elect some particular man President, who, in return has treated them with silent contempt; or attempting to stuff down the people some abstract political doctrine, (which the lecturers did not understand themselves, and which could affect N. Carolina in no shape or form) whether the notion of some great man from Virginia or South Carolina was orthodox or heterodox;—I say Virginia or S. Carolina, because there we have been taught to look for great men—for if a nation with the wisdom of Solomon and eloquence of Cicero, lived in N. Carolina, he would be rated at home an ordinary man, and that strong disposition in our people so watchful to suppress merit, would rise and destroy him before he could have an opportunity of being known. Pardon this short apparent digression, but I believe this to have been one, if not the great reason, why this State and the people of N. Carolina have been so neglected. I will return to the lands.

It appears from the Secretary of the Treasury's report, the net proceeds of the public lands for the year 1832 exceeded 3 millions, that of '33 exceeded 4 millions, and that of '34 will be 5 millions of dollars. Now if this fund which is entirely free from all liens and a surplus fund in the hands of government should be divided according to Federal population among the States, N. Carolina would have had the first year \$138,000; next year \$187,000; and now this very amount we would have been entitled to \$226,000 &c. our part of the sales of last year. But this, Sir, is held to be a small affair in comparison to the love which many have for certain great men—and should be lost without a moment's hesitation sooner than displease Gen. Jackson. It appears from estimates, the Government now has about 170 millions of acres of land surveyed; and that there is a billion and 50-million of acres now unsold belonging to this "common fund." The idea of surrendering this immense property, or giving it away, can to my mind scarcely be dreamed of, much less really contemplated by any rational man. It will afford a constantly increasing fountain, from whence the old States may reap a revenue, that will enable them to overcome the many obstructions by nature to their prosperity; and to elevate the moral and intellectual state of their people. I come now to the last branch of the enquiry, and by far the most disagreeable part to me. I am determined to be distinctly understood. My facts you all will admit, and the inferences shall be so plain and