

shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent; and among the articles so formed, it is declared that "the legislatures of these districts or new States, shall never interfere with the primary disposal of the soil, &c." which provision has been adopted into the constitutions of many of the new States, and forms the condition which is exacted from all of them before they can be admitted into the Union. Now, sir, if these lands belong absolutely to the General Government, these articles of compact should have been formed between it and the people and States of the territory, and should not have been made unalterable, unless by the common consent of the original States. If the original States had parted with all their interest in these lands, by the deeds of cession to the General Government, their consent to alter the compact made with the people and States of the territory, would have been totally useless and unnecessary. The fact is, sir, that the Congress of the United States, being conscious of a remaining interest and right in and to these lands, in the old States, and intending at that time to do justice to them, recognized their right, in all the acts of legislation on the subject, as it obviously did in this. Thus it will be seen that the old States never did part with all of their interest in these lands, and we shall presently shew that they are now entitled to have the proceeds of their sales distributed among them.

The second position assumed by the gentleman from Warren, is, that it would be a violation of the constitution of the United States, for Congress to make any disposition of the public lands, or the proceeds thereof, among the States of the Union. This argument, emanating from such a source, has struck me with great surprise, inasmuch as it is in direct conflict with an article of the Constitution itself, and opposed to the avowed opinion of every administration of the country, and all national legislation upon the subject, from the earliest history of the Government. It is expressly laid down, in the third section of the fourth article of the Constitution of the United States, that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States; and nothing in the Constitution shall be so construed as to prejudice any claims of the United States, or any particular State." If Congress, by this article, has the power to dispose of the territory of the United States, which none surely can deny, it can only be disposed of so as not to prejudice any claims which any of the States may have upon it; and what those claims are, we have already shown. In the formation of the Constitution of the United States, which went into operation on the 4th of March, 1789, some time after these cessions of land, as will be perceived, so tenacious were the States of their reserved rights and interests in these lands, that this article, which was not in the original draft of the Constitution, was added by a vote of ten States to one. Thus, as General Jackson, in his message of the 4th of December, 1835, remarks, upon this very article, "the Constitution of the United States left all the compacts before made in full force, and the rights of all parties (the States and the General Government) remained the same, under the new Government, as they were under the confederation." Mr. Justice Story, in his commentaries upon this very same article of the Constitution, (vol. 3, p. 198,) declares,

"That the Constitutional objection to the appropriation of the other revenues of the Government to such objects (the cause of Education and sound learning, and internal improvements) has not been supposed to apply to an appropriation of the proceeds of the public lands. The cessions of that territory were expressly made for the common benefit of the United States; and, therefore, constitute a fund, which may be properly devoted to any objects which are for the common benefit of the Union; and that the power of Congress over the public territory is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been settled."

The States that ceded these lands, adopted the Constitution of the United States separately, and it could hardly be expected that they were so blind to their interests as to yield up all their claims, when there was no necessity therefor; in fact, the debates in the several Conventions will show that this article was purposely inserted in the Constitution to guard, protect and maintain their reserved rights, in the public lands. They were jealous of their sovereign rights, feared a consolidated Government, and were unwilling to entrust to the General Government the uncontrolled dominion of so vast an amount of territory, whereby the purse of the nation might be swelled to an unlimited extent, and the liberties of the country endangered. They, therefore, reserved to themselves this check upon the overgrown power of the federal Government; and, in their deeds of cession, which are ratified and recognized as being in full force by the very terms of this article of the Constitution, made the General Government their agent or trustee to sell or otherwise dispose of these lands, to pay the public debt, and to hold the

balance for the common benefit of the several States of the Union. This notion, that Congress has not the Constitutional right to distribute the proceeds of the public lands, seemed to me to be so novel, that I was induced to believe, either that the present President of the United States entertained that opinion, or that it was avowed by a certain other political favorite. But, sir, I must vindicate General Jackson of that charge, and I take pleasure in laying before the Senate the following extract from his message to Congress in 1835, viz.

"Among the interests which merit the consideration of Congress, after the payment of the public debt, one of the most important, in my view, is the public lands. Previous to the formation of the present Constitution, it was recommended by Congress that a portion of the waste land, owned by the States, should be ceded to the United States, for the purposes of general harmony and as a fund to meet the expenses of the war. The recommendation was adopted; and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil, for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people."

Here, sir, is an express avowal, on the part of the President of the United States, that Congress has the Constitutional power to dispose of these lands for the best interest of the American people; and upon this subject, I must be pardoned by the Senate in submitting to their consideration the further opinions of the present administration upon the rights of the States and the disposition of the public lands. It will be recollected that General Jackson, on the 4th of December, 1835, sent a message to the Congress of the United States, in which he assigned his reasons for refusing to approve of a bill upon the subject of these public lands, commonly called Clay's Land Bill. After reciting, in his message, the documentary history of these lands, he proceeds as follows:

"With such care have the United States reserved to themselves, in all their acts down to this day—in legislating for the territories, and admitting States into the Union—the unalienable power to execute in good faith the compacts of cession, made with the original States. From these facts and proceedings, it plainly and certainly results: 1. That one of the fundamental principles, on which the confederation of the United States was originally based, was that the waste lands of the West, within their limits, should be the common property of the United States. 2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever. 3. That in the execution of these solemn compacts, the Congress of the United States did, under the confederation, proceed to sell these lands and put the avails into the common treasury; and, under the new Constitution, did repeatedly pledge them for the payment of the public debt of the United States; by which each State was expected to profit in proportion to the general charge to be made upon it for that object. These are the first principles of this whole subject, which I think cannot be contested by any one who examines the proceedings of the revolutionary Congress, the cessions of the several States, and the acts of Congress under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory on the United States. The debt for which these lands were pledged by Congress may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compact with the States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt, the compacts (deeds of cession) remain in full force, and the obligation of the United States to dispose of the lands for the common benefit is neither destroyed nor impaired. As they cannot now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of, for the common benefit of the several States, according to their respective and usual proportion in the general charge and expenditure? The cessions of Virginia, North Carolina and Georgia, in express terms, and all the rest implicitly, not only provide this specifically the proportion according to which each State shall profit by the proceeds of the land sales; but they proceed to declare that they shall be faithfully and bona fide disposed of for no other use or purpose whatever. This is the fundamental law of the land, at this moment, growing out of compacts, which are older than the Constitution, and formed the cornerstone on which the Union itself was erected."

Such were and the opinions of General Jackson, which seem to me to cover the whole ground contended for; and, moreover, he expressly remarks, in the same message,

"The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring (in IV article, s. 3,) that nothing in it shall be so construed as to prejudice any claims of the United States, or of any particular State, it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all needful rules and regulations for carrying them into effect. All beyond this would seem to be an assumption of undelegated power."

Thus, sir, it would clearly appear, both from the Constitution, its history, and the opinions of its expounders, that Congress has the Constitutional right to dispose of the proceeds of these lands among the States; the expediency, justice and necessity of so doing, we shall presently advert to.

We have hitherto confined our remarks to the public lands that were ceded by the States. It will be recollected that Mr. Jefferson, who seemed to entertain no Constitutional scruples about the purchase and disposition of public lands, by a treaty, concluded with France in 1803, ac-

quired the territory of Louisiana, for the sum of fifteen millions of dollars; and that, by a treaty with Spain, signed in 1819, we became possessed of the Floridas, by paying, as a consideration therefor, five millions of dollars. These two purchases cost the General Government, with interest, &c. thirty millions of dollars, which sum was actually paid out of the public treasury, and finally discharged out of the proceeds of the public lands; and, consequently, those lands belong as much to all the States of this Union as those ceded by the particular States; and the Government, they being the equivalent for the money arising from the proceeds of the public lands, &c. is as justly bound to dis-

STATE OR TERRITORY.	Whole quantity of land in each State or Territory.	Quantity of land belonging to the United States, to which the Indian title is not extinguished.	Quantity of land belonging to the U. States, to which the Indian title is not extinguished.
Tennessee,	26,432,000	3,000,000	
Mississippi,	31,074,234	11,514,517	16,885,760
Indiana,	32,459,869	12,308,455	5,335,632
Ohio,	24,810,246	4,984,348	409,501
Louisiana,	31,463,040	25,364,197	none.
Illinois,	35,941,902	23,575,300	6,424,646
Michigan Territory, (peninsular),	24,939,870	16,398,426	7,378,400
Arkansas Territory,	28,889,520	26,770,941	none.
Missouri,	39,119,019	35,263,541	none.
Florida Territory,	35,286,760	39,728,300	4,032,640
Alabama,	34,001,226	19,769,679	9,519,066
	334,627,486	205,627,698	49,985,639
Territory of Huron, lying west of Lake Michigan, and east of the Mississippi river,	26,804,854		56,804,834
Great Western Territory, extending from the Mississippi river westward,	750,000,000		750,000,000
	1,140,432,330		856,790,473
Add quantity to which the Indian title is extinguished,			205,627,698
Total acres, which the United States is bound to distribute the proceeds of among the States,			1,062,417,771

Thus, sir, it will be perceived that the total acres of the public lands which are held by the General Government, for the common benefit of all the States, amount to the enormous number of one billion six hundred and thirty thousand one hundred and seventy one; which, at the minimum price of one dollar and twenty five cents per acre, would yield the immense sum of one billion three hundred and twenty seven millions nine hundred and seventy eight thousand nine hundred and sixty three dollars, and seventy five cents. The share or proportion of North Carolina, even supposing the lands were equally divided among all the States, without regard to their size or population, would amount to four millions four hundred and twenty six thousand nine hundred and twenty three acres; but if federal population is assumed as the basis of the division, her share would nearly double that amount. With a fund like this, sir, what might we not do to advance the prosperity and welfare of our good old State? The blessings of education might be liberally bestowed upon all of our poor; her great resources might be called into active and useful operation; internal improvements, connecting the mountains and the ocean, the very means by which our great resources might be developed, and our citizens rendered an united, happy and contented people, would be constructed; and our own population, instead of seeking other climes and countries, where they may receive a reward for their labours and industry, might here "sit down under their own vine and fig tree," and become rich, prosperous and happy. Sir, I cannot dwell upon the enchantment of the scene which this act of justice, on the part of Congress, would produce upon my native State. I am a North Carolinian by birth, education and feeling, and, "with all her faults, I love her still;" and I never, no never, can raise my feeble voice against her just and righteous claims to a share of the proceeds of the public lands. As has been truly remarked, she is "the Ireland of this Union," the disinherited child; and false must be her sons to their trust, and recreant to her cause who would, in this her hour of need, fail to assert her just and legal rights. Would that I could animate every Senator present with a just sense of her wrongs and active conception of her rights. Would that I could, on this subject, excite them with the noble enthusiasm which animated Gustavus Vasa, as he became conscious of his desperate fortunes, and the great necessity of extraordinary exertion, when he exclaimed,

"Here will I stand, and breast me to the shock, Till I, or Denmark fall."

Our own State has never received any of the favours even which the General Government could rightfully bestow, with the exception of an appropriation of twenty thousand dollars, to clear out certain obstructions near the mouth of the Cape Fear river, which were put there during the war, for the general good, and one or two smaller ones, not exceeding, in all, fifty thousand dollars, for the internal improvement of the State, since she became a member of the confederacy. I believe the whole amount is stated. Those works of a national character, such as forts, light houses, &c. cannot be brought into the computation, as they were constructed as much for the benefit of the other States of the Union, as for North Carolina. Whilst, on the contrary, millions upon millions have been lavished upon the other States, as their surpassing prosperity and improvement well attests; and Congress,

even of the very lands ceded to it by North Carolina, granted one hundred thousand acres for the use of two Colleges, one in East, and one in West Tennessee; and one hundred thousand acres, in one tract, for the use of Academies, one in each county of the State of Tennessee, to be established by the legislature thereof.

Before I proceed to show the unjust manner in which the Congress of the United States has already disposed of a portion of the public domain, I would beg leave to submit to the Senate the system which was adopted for surveying and selling the public lands, as contained in a report to Congress. According to that system, all public lands offered for sale are previously accurately surveyed, by skillful surveyors, in ranges of townships of six miles square each; which townships are subdivided into thirty six equal divisions or square miles, called sections, by lines crossing each other at right angles, and generally containing six hundred and forty acres. These sections are again divided into quarter sections; and prior to the year 1820, no person could purchase a less quantity than a quarter. In that year, provision was made for the further division of the sections into eighths, thereby allowing a purchaser to buy only eighty acres, if he wished to purchase no more. During the session of Congress of 1852, further to extend accommodation to purchasers of the public lands, and especially to the poorer classes, the sections have again been divided into sixteenths, admitting a purchase of only forty acres. The Senate will now be better enabled to estimate the unbounded liberality of the General Government to the new States, when they are informed, that by the existing laws of Congress, five per cent. of the net proceeds arising from the sales of the public lands, within their limits, are appropriated for their benefit, for purposes of internal improvement; and one section in each township, being one thirty sixth part of all, for Education. If then, sir, the General Government can appropriate the proceeds of the public lands to the new States, and they stand on terms of equality, according to the Constitution, with the old States, where is the justice or correctness of the argument, that she cannot do the same for the old States?

But this is not all. The munificence of the General Government towards the new States does not stop here. Appropriations, to a very large amount, for the purposes of internal improvements, Colleges, Academies and Universities, common schools, religious and charitable institutions, and for seats of Government, of the public lands, have been made to the new States, according to a statement prepared for the House of Representatives, up to January 25, 1852, as follows:

Ohio,	1,757,838
Indiana,	1,012,592
Illinois,	1,712,225
Missouri,	1,181,248
Mississippi,	735,244
Alabama,	1,316,450
Louisiana,	920,053
Michigan,	599,973
Arkansas,	996,338
Florida,	947,724
	11,037,685

The Senate will perceive that up to January, 1852, the new States had received, for these important purposes, eleven millions five hundred and sixty eight thousand eight hundred and eighty five acres of the public lands; whilst the old States, whose blood and treasure were poured out to acquire and defend them, have not been enriched by the donation of a single acre. These lands, to say no-

thing of the additional five per cent. to which they are entitled, upon the net proceeds of the sales, of all that are sold, &c. would yield, at a moderate price, the enormous sum of sixty millions of dollars. According to an assessment of all the lands in North Carolina, made in the year 1815, (when they were far more valuable, and there were fewer inducements to leave the State,) they were valued at fifty-two millions of dollars; and thus it would appear that the General Government, in its prodigality, has actually given away, to the new States, a territory far exceeding in value and fertility, &c. that of the whole State of North Carolina. I will not now stop to inquire whether the Legislature of North Carolina did not exceed the bounds of its authority, when it ceded these lands to the General Government; whether the lands did not belong to the people, in their sovereign capacity; and whether they could be disposed of by the legislature, without an express delegation of power, to that effect, from the people, or only by a Convention called for that purpose. Suffice it sir, to say, that the Legislature, having taken upon itself the authority to do so, and thus deprived the State of a valuable part of its domain, it is but just and right that the Legislature should now demand of the General Government the share or proportion of the proceeds of them to which our State is entitled.

The gentleman from Surry (Mr. Waugh) has introduced a series of resolutions, which, like the prostrations made by the conspirators against Caesar, on the morning of his death, at the foot of his throne, are only intended to conceal their true meaning, and to disguise the purpose which they are intended to effect. They are not intended to remedy the existing evils complained of; they seek nothing from the General Government; they do not assert the claim of the State to a share of the proceeds of the public lands; they do not admit even the authority of Congress to dispose of them; but they deal in "generalities," couched in such ambiguous and equivocal terms, that, like the responses of the oracle, they involve the true question in such uncertainty and doubt as to mean nothing; and still the gentleman has ingenuously enough so to expound them as make them suit his purpose. The first resolution, like any other abstract proposition, is purely passive in its character; the first branch of the second resolution contains a political axiom, which meets with my hearty concurrence, viz. "that all the public revenues are collected from the people, directly or indirectly, and ought never to exceed the amount of expenditures necessary to an economical administration of the Government." But, sir, I should be glad to know what the gentleman means by his political corollary, "and, therefore, whenever the proceeds of the sales of the territory or public lands of the United States are not required (in aid of other revenues) for the legitimate purposes of the national Government, we believe it the duty of Congress to devise, and recommend some safe method for distributing among all the States any surplus proceeds of the public lands which may from time to time remain in the treasury of the United States, after defraying its expenditures." Does the gentleman from Surry expect "to throw dust in the eyes of the people" thus, by making them blind to their interest? If the proceeds of the public lands are not to be distributed until they are not required for the legitimate purposes of Government, they never will be distributed. What are the legitimate purposes of Government? If they embrace a magnificent and expensive system of internal improvement, the construction of light houses and forts, the building of a navy, the investment of millions in a national Bank, and all the expenses of an extravagant Government, why, sir, the proceeds of the public lands will be as dust in the balance, to answer even these purposes. The share of the States will be nothing; and the power of the General Government, having the unlimited control of the sword, with millions at its command, will swallow up and destroy the very sovereignty and liberty of the States.

If the States are entitled to the proceeds of the public lands, after the payment of the debt for which they were ceded to the General Government, Congress has no right to appropriate them to any other purposes. Why is the gentleman from Surry, so disposed to mystify this subject, and so unwilling to come out openly and assert the right of the State? He believes, after the proceeds of the public lands are all exhausted, in these legitimate purposes, that "it is the duty of Congress to devise and recommend some safe method for distribution among the States." I pledge the gentleman from Surry that he shall have an opportunity of giving "a local habitation and a name" to these mysterious words, "devise and recommend." If he believes that it is unconstitutional for Congress to dispose of the proceeds of the public lands among the States, why does he not so state it in his resolutions, and say at once that the meaning of his safe method is to devise and recommend an amendment to the Constitution? This, sir, is his meaning, and it would have saved an unnecessary debate, if, in plain language, he had stated, "it is the opinion of this General Assembly that Congress has no

Constitutional power to distribute the proceeds of the public lands among the States." If, according to his resolution, only "the surplus proceeds of the public lands, which may from time to time remain in the treasury of the United States, after defraying its expenditures are to be distributed, he had better not recommend to Congress to incur the expense of amending the Constitution; for nothing will remain in the treasury, after satisfying the horde of hungry political cormorants who hang upon the Government, and defraying the lavish expenditure of the public money upon all and any objects which may be deemed legitimate purposes.

The third resolution requires no action on the part of the Government, and, as the assertion of an opinion, is not objectionable. But, sir, I should be glad to know for what purpose this General Assembly is called upon to send on to the Congress of the United States the fourth resolution? I thought that the object of all legislation was to remedy some grievance, or to assert some right, and provide means to maintain it. What does the Congress of the United States care about our "resolving further, that we deprecate all attempts on the part of the citizens, of this State to increase the difficulties, and magnify the jealousies, already exhibited upon national questions, in respect to our public lands, by giving to them a party character, which does not properly belong to the subject, and thereby holding out inducements to the new States to put forth urgent and unreasonable demands—and on the other hand, by denouncing their claims with bitter reproaches, so as to kindle a blaze of discontent in the nation, which, however intended by those who raised it, must ultimately endanger the peace and prosperity of the best Government on earth?" What have they to do with it? What remedy can they give us for such a state of things? Sir, the gentleman from Surry surely does not intend to fix a libel upon the character of our good old State. When have its peaceable citizens ever attempted to increase the difficulties, and magnify the jealousies already exhibited upon national questions, in respect to our public lands, by giving to them a party character? Or to what act of their have you point which can be construed into a denunciation of the claims of the new States, with bitter reproaches, so as to kindle a blaze of discontent in the nation, and to endanger the existence of our Government? This resolution does great injustice to the good people of our State; and the gentleman from Surry should have spared them the deep mortification of this public denunciation and exposure. There can be but one opinion, upon the subject of the distribution of the public lands; and it will be easily discerned who among us are for giving this matter "a party character" for "by their fruits ye shall know them;" and it requires no sagacity to distinguish those who are really and willing to assert and maintain this just claim upon the General Government, in behalf of North Carolina.

The resolutions introduced by the gentleman from Surry make no demand of the General Government, and assert no claim, on the part of our State, to a share of the proceeds of the public lands. They are, therefore, perfectly useless, and can afford no relief to the people. The resolutions introduced as amendatory to these, by the gentleman from Anson, meet with my approbation. They declare, in substance, that Congress ought not to reduce the minimum price at which these lands are now sold, nor give the public lands to the States in which they are situated, so thereby the prosperity of the old States would be seriously affected, and great injustice done to those States which ceded them; and, moreover, that such disposition should be made of them, or the proceeds thereof, among the States, according to their respective merits, &c. or in proportion to their federal population. The minimum price is now one dollar and twenty-five cents per acre. If this sum is reduced, they will scarcely pay the expenses of surveying, &c. and consequently cease to be a source of revenue to the Government; and so great will be the consequent inducement to remove, that the old States will be drained of their population, and the value of their lands be degraded to a mere nominal value. A general ruin and distress must be the natural consequence of this great improvement, whilst, on the other hand, the star of empire wings its way, and being supported and fostered by the General Government and the vast contributions from the old States, both in wealth and population, the scepter of power will be transferred there, and the destinies of this great and mighty nation yielded by the overgrown influence of the West. The reduction of the minimum price would only open the field to the rich speculators of the country, who, by combining together, would be sure to deprive the poor man of all its advantages, and engross all the better lands, which would be afterwards sold out to purchasers at their own prices. Besides, sir, it would be doing injustice to those who have already purchased of the Government at the present prices, and violate the terms of the deeds of cession, by promoting alone the interests of the new States, at the expense of the old ones, and thus defeat that excellent provision which provided for the common use and benefit of all. It would not increase the demand, as past experience and observation have shewn us that the supply of lands, at the present prices, is inadequate to the demand, so great is the emigration; & that our migratory population, in their eagerness and avidity for territorial possessions, have even passed beyond the boundaries of the United States, and are fast peopling the hitherto wild, and desert territory of Texas.

I have already shewn to the Senate

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