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STATE LEGISLATURE.

Mr. RAYNER'S Speech on the Land Resolutions.

House of Commons, Tuesday, Dec. 2, 1835.

The House having again entered upon the order of the day and taken up the Land Resolutions—

Mr. RAYNER said, it was certainly disagreeable at all times to have to speak of one's self, but in these difficult times, when motives the most pure were likely to be misrepresented, and actions the most laudable to be denounced as the offspring of partisan feelings,—he felt it due to that zeal, which he felt for the adoption of the policy proposed in the resolutions under consideration, to declare that he came to the discussion of the subject, entirely free from all party influences, regardless of its operation upon the political prospects of any individual, and with a view solely to the interest of the State.

This subject, Mr. Speaker, (said Mr. R.) as presented in the resolutions on your table, and as generally viewed by the rival advocates of the different systems of policy proper to be pursued in regard to the public domain, offers for consideration three separate and distinct propositions. 1st, the propriety of granting the public lands to the states in which they are situated, either gratuitously, or for a valuable consideration. 2d, The propriety of reducing the minimum price at which they are now sold, to just such a standard as will defray the expenses of their purchase and sale. 3d, The propriety of dividing the net proceeds arising from the sale of those lands, among the respective States, in proportion to their federal population.

To the proper understanding of the subject, in either point of view, we are necessarily compelled to recur to the earliest action of the Government in regard to that portion of the public domain which was originally ceded by the States, in order to ascertain the inducements to such cession, the extent of authority over those lands, intended to be conferred, and the relations thereupon resulting, between said States and the General Government. And the recurrence to our early history, while it will aid us in the better understanding of our subject, can not fail, at the same time, to awaken sensations of the most ardent character, and to excite our highest admiration, for that sacrifice of interest, and that devotion to the common cause of freedom which actuated our ancestors in the eventful period of the revolution.

A reference to the history of the country will inform us, that the disposition of the waste lands contained within the chartered limits of some of the old States, was a subject of difficulty and perplexity to the statesmen of our country, before their brethren in the field had expelled the minions of tyranny from our shores, and before the constitution under which we live, had sprung into being. It was contended by the small States, and with good reason too, that inasmuch as the cause in which they were contending, was one of common sacrifice and common danger, that those waste lands ought to be surrendered as a common fund for the aid of that cause, to the support of which they had pledged to each other "their lives, their fortunes and their sacred honor." The Congress which was then sitting under the old articles of confederation, being deeply impressed with the great importance of maintaining union and harmony among the States, and stimulated by a sense of patriotism and justice, on the 6th of September, 1780, passed Resolutions from which the following is an extract: "That it appears advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire, without endangering the stability of the confederacy, &c. And that it be earnestly recommended to those

States who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the obstacle to a final ratification of the articles of confederation, &c." This appeal to the justice and patriotism of the States prevailed, and New York with a unanimity which appears in glowing contrast with her present corrupt and degenerate policy, took the lead in this noble self-sacrifice. Thus we see that the object of the surrender by the States, of their waste lands, was general in its nature, that it was for the advancement of a common cause, and for the promotion of the general good.

Let us now examine the terms of that surrender, and the conditions upon which it was made. By a further reference to the Journals of the old Congress, we find the following resolution passed the 10th of October, 1780: "Resolved that the unappropriated lands that may be ceded in the United States, by any particular State, pursuant to the recommendation of Congress, on the 6th of September last, shall be disposed of for the common benefit of the United States," &c. Here, an express condition is laid down by the General Government, upon which she proposes to receive those lands, that they shall be disposed of for the common benefit of the United States. By examining the deeds of cession, we shall find that this condition is never lost sight of, but that it is found in every one of them, and insisted on in the most positive and energetic language. In the deed of cession from New York, we find the following words: "And we do by these presents, in the name of the people, and for and on 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."

The cession of Virginia follows next. In that we find the following language: "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation, or federal alliance of 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."

Next in point of time, was the cession from Massachusetts. In that, her delegates in virtue of their authority, 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, is a resolve of Congress, of the 10th day of October 1780, mentioned." In the cession from Connecticut, it is stipulated also, that "all the right, title, interest, jurisdiction and claim of the State of Connecticut," to the lands therein conveyed, are ceded to the United States in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive."

In the cession from our own State, North Carolina, it is stipulated, "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 cession from Georgia, which was the last, we find it again 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 whatever."

These were all the States which held claims to waste lands; and in the deed of cession from every one of them, we find it expressly stipulated that they should be held by the General Government as a common fund "for the use and benefit" of all the States, and in some of them it is declared they should be for no other use or purpose whatever. Then the deeds of cession warrant me in saying (said Mr. R.) that the power of the General Government to dispose of the Public domain, is limited by the condition, that such disposition be made for "the common use and benefit" of all the States. Or, will any gentleman say, that the Constitution which was afterwards adopted by the States, curtailed the power of the General Government over the public lands? So far from it, the Constitution seems to recognize the power of Congress over the subject, and the rights of the separate States to have the lands disposed of for their common use and benefit, as mentioned in the deeds of cession.

The 3d section of the 4th article of the Constitution says "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 this Constitution shall be so construed, as to prejudice any claims of the United States or any particular State." How then, I ask, can the General Government give the public lands to the States within which they lie, without a manifest breach of faith, and consequent violation of the Constitution, which recognizes any claims the States may have by virtue of the deeds of cession or otherwise? The General Government is pledged, and the Constitution has recognized that pledge, to dispose of the public lands for the common use and benefit of all the States. Consequently, any disposition of those lands, except such as would ensue to the common use and benefit of all the States, would be a palpable violation of the spirit, if not the express letter of the Constitution. And, sir, if there was no other objection to such a disposition, is not this sufficient? Should it not of itself, constitute an impassable barrier to such a procedure? Are gentlemen willing to lend their aid to inflict a deadly wound on that Constitution, which has, in latter times, been so often trampled under foot, whenever it has interposed any restraint upon the exercise of arbitrary power? I hope not, sir. Perhaps it may be said, that if Congress is debarred by the deeds of cession from giving to the new States that portion of the Public domain which was originally ceded by the old States, that still she labors under no such restriction in regard to that portion which was acquired by purchase from foreign powers. Well, now, sir, admitting for the sake of argument, that Congress has the Constitutional power to give the public lands to the new States, as well that which was ceded by the States as that which was acquired by purchase—still, I insist, that such a disposition of them would be in conflict with justice and good policy, destructive to the prosperity and interests of the old States, and entirely subversive of those principles of compromise and forbearance, which lie at the root of our free institutions.

The object of the cession of these waste lands by the old States was for the promotion of Union, and the furtherance of that sacred cause in which they were all engaged. These lands may then, be said to be the price of freedom, and to have been purchased with our fathers' blood.

And now, upon what grounds can the advocates of giving them to the new States found their claim? Will it be pretended, that it is essential to their settlement, prosperity and governmental organization? Why, sir, if the enterprize and migratory character of man were not sufficient to people those vast domains, you have but to cast your eye over that vast region—with a soil as fertile as the banks of the Nile—with a climate adapted to the production of all the luxuries of life, and all those staples which contribute to the speedy acquisition of wealth—with large and navigable rivers rolling in majesty through their spacious plains—in short, endowed with all the conveniences and blessings of a bountiful nature—I say, sir, you have only to take a slight survey of these, to discover, that you might as well attempt to stay the mountain torrent, or chain the ocean wave, as to arrest that tide of emigration which westward takes its way, and which will continue onward, 'till stopt by the waves of the Western ocean. You have but to compare the relative increase of population in our own State, North Carolina, with that of any of the new States—say Missouri—and although the result may awaken feelings distressing to the heart of the patriot, yet it will aid us in arriving at the truth of the matter. While in the former, the increase of population from 1820 to 1830, was at the rate of 15 per cent, in the latter it was swelled to the enormous amount of 110 per cent. And the vast number of emigrants which we daily see plodding their way towards the setting sun, admonishes that by the next Census, our population, instead of having increased, will have remained stationary, perhaps diminished,—while the new States of the West, strengthened by our resources, will have advanced with a giant's stride in population, energy and wealth.

Then, it cannot be said that the new States require the lands within their limits, to enable them to assume respectable stations among the sister States of the Union. Sir, I for one have no wish to retard the growth and prosperity of the new States of the West. I have no wish (said Mr. R.) to throw obstacles in the way of that system, which is daily converting the haunts of the savage into the abodes of civilization, and rearing monuments of freedom, science and the arts, where silence has reposed for ages in the solitude of nature. The contemplation of such a scene, instead of exciting envy, is well calculated to elevate the mind above all selfish considerations; by awakening the most sublime anticipations of our country's future glory, and our most ardent admiration for those principles of republican freedom which lend the impetus to this magical improvement. But, on the other hand, I should prove recreant to the affection which I feel for, and the duty which I owe my native State, were I not to oppose any system, which would tend to swell the growing prosperity of the new States of the West, but which would, at the same time, aim a fatal blow at the interest of North Carolina. And, sir, the relinquishment by the general government of those lands to the States in which they lie, whilst it is not essential to their happiness, would work the most manifest injustice to the old States, and sap the foundation of their prosperity for ages to come. Why, sir, who is so blind as not to see the result? Who does not see, that the new States, in their anxiety for the settlement of the lands thus cheaply acquired, and in their rival efforts to secure emigration within their limits, would offer such inducements in the sale of their lands, as would effectually drain the old States of their population, enterprise and wealth, and leave them nothing to boast of but the monuments of their ancestor's renown. And must this ever be? Why should the new States of the West be so highly favored, and the claims of the old Atlantic States so entirely disregarded? Compare their claims—compare their sufferings in the cause of freedom—compare the auspices under which they commenced their career, and the difficulties which they have had to encounter in their progress—and what can be seen to warrant such a partial decision in favor of the former? It should be recollected that it was in the old States, where the battles of freedom were fought, it was their soil that was moistened with the blood of the martyrs that fell in that sacred cause. Here was the birth place of freedom, here was achieved our national independence, and here were perfected the principles of constitutional liberty. Here also, was the birth place of that great and good man (pointing to the picture of Washington) who is canonized in the heart of every true American, and the bare mention of whose name is enough to still in a moment all the tumults of our political strife—it was here that he led the armies, and here that he fought the battles of freedom. It was here that he spent his eventful life, and here reposes his hallowed remains. And sir, can you sanction a system of policy which must depopulate this classic soil, and in reference to which the patriot can now exclaim with pride, "This is my own, my native land." Gentlemen may, if they choose, call this the mere chimera of fancy, but as sure as effect follows cause, just so sure, will the relinquishment of the public lands to the new States, enable them to offer such inducements to emigration, and effect such

a revolution in the price of real estate here, and consequently all other property, as will leave us no other resource, but to turn our backs upon the graves of our fathers, and take up our march to a more favorable clime. And this, such a system of legislation will compel us to do.—For it is the nature of man to pursue his interest. In the pursuit of this, no obstacles or sacrifices are too great for his undertaking—for this, he will encounter the inclemencies of season, and the anxieties and difficulties of time and space. For this, he will bid adieu to the land that gave him birth, and to the friends and associates who share his esteem. For this, he will desert the home which nursed his infancy—the scenes which witnessed the sports of his childhood—which are associated with the early aspirations of his youthful ambition, and the tender impulses of love. Such a system of legislation, therefore, as makes it the interest of our citizens to leave their country, is virtually a reward offered to emigration from the State.

The claims of the new States appear still less tenable, when we take into consideration the liberal provisions which have been already made for them, and the liberal policy which has been pursued by the general government towards them in regard to the public domain. By compacts entered into, between the General Government and the new States on their entrance into the Union, five per cent of the net proceeds arising from the sale of the public lands within their limits, are appropriated to the benefit of the said States, for Internal Improvements, and one section in each township, being one thirty-sixth part, to the purposes of Education. In addition to this, the General Government, in a spirit of liberality, has made large donations of land to all the new States, for the purposes of education, charitable institutions, Seats of Government, &c. By examining a statement made to the House of Representatives, in pursuance of a resolution of January 25th, 1832, we find that there had been appropriated for these purposes,

as would barely defray the expenses of survey and sale. In Missouri, for instance, there are now more than 30,000,000 acres of un sold lands, which at one dollar per acre, would amount to \$30,000,000, the interest on which at six per cent, would be \$1,800,000. Now does any one believe that that State could sell land enough annually to amount to that sum, independently of the principal, which like the sword of Damocles would be eternally suspended over her head. The result would be, that the new States, paralyzed by the enormous debt, would ask indulgence again and again, and finally would probably demand as a right, to be discharged from their obligations. And if they did not choose to pay it, how could the General Government enforce the payment? Upon what, or whom could her process operate? True, it might lead to the passage of another bill of blood, by some servile Legislature; but so repugnant to freemen is the idea of being dragged into submission, that an attempt to enforce obedience at the point of the bayonet, would immediately effect a dissolution of the Union. And admitting that the States were able to pay the debts, still the question of a disposition of the funds arising therefrom, would be left open for dispute.

Having thus attempted to show that Congress cannot give the public lands to the new States, without a violation of that pledge, recognized in the Constitution, and of every principle of right and justice, and that she cannot sell them at a price for a fair equivalent, with any probability for the future, and without establishing relations between the States and General Government, which must eventually perpetuate the Union, I now proceed to examine the second branch of the subject—that is, the policy of reducing the minimum price to just such a sum as will reimburse the General Government for the expenses incurred in their purchase and sale.

To the State of Indiana,	1,013,592 acres
Illinois,	1,712,255
Missouri,	1,181,244
Mississippi,	733,241
Alabama,	1,216,450
Louisiana,	920,033
Michigan,	599,973
Arkansas,	906,533
Florida,	947,734

Making an aggregate of 11,057,683 acres of the public domain which have been given to the new States, one part of which land was voluntarily surrendered by the old States, "for the common use and benefit" of all the States, and the other part purchased at the common expense, and paid for out of the common Treasury. Upon what grounds then, either of justice or liberality, can the new States rest their pretensions to the whole of these lands?

Let the General Government once commence this policy, and it will be a virtual surrender forever of all that vast domain which stretches from the waters of the Mississippi to the Pacific Ocean. For as new States are admitted in the Union, they will, of course, demand the same favor to be extended to them, and the General Government cannot consistently refuse it. Are gentlemen aware of the vast resource, which the General Government would thus relinquish forever. From official reports made to the Congress of the United States, it appears that there are now, more than one hundred millions of acres of land contained in this vast extent of country, yet un sold, and which, at the rate of \$1.25 per acre, the minimum price as now established by law, would amount to the enormous sum of more than twelve hundred and fifty millions of dollars. Should not Congress pause, before it makes a voluntary surrender of this great amount of national property? Should not the General Government retain the ultimate control of this mighty fund, in order to meet any great and unexpected emergency that may hereafter arise? Nations as well as individuals are subject to seasons of calamity and distress. Providence in its dispensations, may visit us with war; the time may come, and probably will, when we shall have to struggle for our liberty, either with the myrmidons of foreign power, or some despotic usurper at home. And then, sir, when our Treasury is exhausted, and our soldiers suffering for bread, we shall see our folly when it is too late.

Equally objectionable is the plan proposed by some, of selling those lands to the States in which they are situated, at a reasonable price. In the first place, it would be entirely impossible for the States so purchasing, ever to pay for them, for although there is so much emigration to the West, yet, without a total abandonment of the old States, the sale of the lands in any of the new States, would net more than pay the interest upon her debt thus contracted, to the General Government, and the probability is, that under the management of State Legislation they would not be a source of revenue at all, for the different States in their rival efforts to obtain a speedy settlement of their lands, would no doubt reduce their price to such a standard

as would barely defray the expenses of survey and sale. In Missouri, for instance, there are now more than 30,000,000 acres of un sold lands, which at one dollar per acre, would amount to \$30,000,000, the interest on which at six per cent, would be \$1,800,000. Now does any one believe that that State could sell land enough annually to amount to that sum, independently of the principal, which like the sword of Damocles would be eternally suspended over her head. The result would be, that the new States, paralyzed by the enormous debt, would ask indulgence again and again, and finally would probably demand as a right, to be discharged from their obligations. And if they did not choose to pay it, how could the General Government enforce the payment? Upon what, or whom could her process operate? True, it might lead to the passage of another bill of blood, by some servile Legislature; but so repugnant to freemen is the idea of being dragged into submission, that an attempt to enforce obedience at the point of the bayonet, would immediately effect a dissolution of the Union. And admitting that the States were able to pay the debts, still the question of a disposition of the funds arising therefrom, would be left open for dispute.

Having thus attempted to show that Congress cannot give the public lands to the new States, without a violation of that pledge, recognized in the Constitution, and of every principle of right and justice, and that she cannot sell them at a price for a fair equivalent, with any probability for the future, and without establishing relations between the States and General Government, which must eventually perpetuate the Union, I now proceed to examine the second branch of the subject—that is, the policy of reducing the minimum price to just such a sum as will reimburse the General Government for the expenses incurred in their purchase and sale.

Such a reduction of the price, would be as violative of good faith, as a gratuitous surrender of the whole to the new States; for it would not ensue to the common use and benefit of all the States, as stipulated in the deeds of cession, but would rather tend to the promotion of the new States, and the issuing injury of the old. The natural consequence would be, that real estate in the old States would decline in an equal ratio; this depression would necessarily extend to every other species of property, debt and embarrassment would ensue, poverty and distress would rear their ghastly visages in every corner of the land, and the rights of widows and of orphans be sacrificed to the whims of a capricious Government. And sir, on the other hand, what would be the condition of the new States? Why, their advancement in prosperity, would be in proportion to the decline of the old States. With such ample resources, they would be rapidly marching on to greatness—the blessings of education and improvements would mark their progress, and comfort and happiness would smile around their homes. And what would be the influence of such a state of things, upon our prospects as a nation? It would lay the foundation for the most bitter heart-burnings and collisions between the States, which would not only sow the seeds of dissension, and mar the bright prospects of our country's future destiny, but would inevitably rend the Union into fragments.

Then, Mr. Speaker, if Congress cannot without a breach of faith, justice and good policy, give the public lands to the States in which they lie, or reduce the minimum price at which they are now sold below a revenue standard, the question recurs, what is to be done with them? I presume, I need not tell the House, that for the present, they are not needed for the necessary expenses of Government. The Tariff question has been put to rest—the compromise of 1833, effected by a noble spirit of forbearance, in despite of the exertions of leading politicians and heartless demagogues—which so completely disarmed the tyrant of his sword, and the magician of his wand—that compromise, I say, has pledged, not only the leading interests of the country, but it has virtually pledged the faith of the nation, that the Tariff question shall not be revived so long as the action of the patriots who framed it, can exercise an influence over the legislation of posterity. The question is so viewed by the statesmen of the country, and although a few upstart demagogues, may, in their pretended zeal for the interests of the South, express fears and alarm for the registration of this subject—yet a confidence in the good faith of its execution, in its adaptation to the exigencies of the times, and in the duration of its provisions, is too firmly seated upon the broad base of public opinion, to be shaken for ages to come. According to the terms of that compromise, liberal provision is made for all the expenses of the Government, and the action of the system thus far, proves that it will enable the Government to carry on its operations, even upon the most liberal principles—indeed, I believe it is admitted by all, that the revenue arising from impost