

RALEIGH REGISTER

AND NORTH-CAROLINA GAZETTE.

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STATE LEGISLATURE.

HOUSE OF COMMONS.

Monday, Dec. 1.

The House took up for consideration the following Resolutions submitted by Mr. CLINGMAN, of Surry:

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 by which the minimum price at which these lands are now sold shall be reduced, would seriously affect the prosperity of all the old States and do great injustice to those States by which they were originally ceded to the Confederacy.

Resolved further, as the opinion of this General Assembly, that the public debt having been extinguished, and the object for which the cession of the respective portions of the public domain by the States which originally held them, having thus been accomplished, that such distribution of the public lands, or the proceeds thereof, ought to be made among the States of the Union, as shall be proportioned to the respective sacrifices and expenditures incurred by them in support of the United States, or, at least, in proportion to their federal population.

Resolved, That the Governor be, and he is hereby requested to transmit copies of these Resolutions to the Senators and Representatives from this State in the Congress of the United States.

Mr. GUINN, of Macon, said, he should like to offer an amendment to the Resolutions before the question was taken.—It was not his purpose however, to detain the House, by entering into an elaborate discussion of the merits of the subject; for he was not prepared to debate the grave Constitutional question that has been mooted in connection with this topic elsewhere. It was sufficient for his present purpose, to know that the terms of the written contract was special and different in its terms of conveyance. I have not, sir, said Mr. G. had it in my power to bestow upon this subject but a partial investigation; but so far as I have been able to come to conclusions upon the merits of it, they are pretty much the same with the opinions advanced, on yesterday, by the gentleman from Surry. I differ, sir, with him, as to the extent of the claim which North-Carolina has upon the Public domain, as asserted in the second Resolution now upon your table. I differ also with him, in one point in regard to the first Resolution.

For North-Carolina to declare in positive and unequivocal language, as a solemn expression of opinion on the part of the sovereign people of the State, that any act by which the minimum price of the public lands should be reduced would be doing great injustice to the States which ceded them, would indeed be a broad and bold assertion. I am perfectly willing to express in general terms, the opinion embraced in the first Resolution; but I conceive it bad policy in this Legislature, to declare to our Representatives that, under no consideration, shall the price of the public lands be reduced. So far as the lands in general are concerned, I agree with the opinion expressed and the doctrine therein inculcated; but suppose that lands have been in market from 10 to 15 years and have not bro't the minimum price, which is the fact in a great many cases, for us still to say, at this distant day, that the price shall not be reduced, seems to me a wild and stange policy; and for a very good reason, viz: that heavy expenses attend the offering these lands in market, which operate as a continued drain upon the public Treasury.

I do not see, sir, much force in the argument of the gentleman, that if the price of these lands are reduced, that speculators will monopolize the whole of them, and cause the indigent to be hewers of wood and drawers of water. Sir, the speculators have too much good sense to draw their harpoons upon the refused lands; to buy them up for the purpose of selling again, and living by the profits: this idea is perfectly chimerical; when speculators embark in schemes of this kind, they act when the choice lands of the South first come into market, and do not wait for fifteen years to speculate upon the refuse lands; for, sir, when land is offered for sale in this way for a few years, and no purchaser is found, it is generally stripped of its valuable timbers, and eventually is settled by those who are unable to buy. And is it not better that these humble occupants should possess the land which the rich refuse to purchase at low price, than for it to remain in the hands of the Government, or to divide their refuse territory among the other States and have them scramble

for lands within the jurisdiction of other States. Might not this be a humiliating aspect in our political affairs, to see sovereign States pandering around the political table of the General Government, to receive the bounty that might fall therefrom, either in land or money? Rather would I see grants for these refuse lands, at some proportionable price, go into the hands of the industrious, honest, poor citizens, who are unable to vie with the more favored that compete for the valuable lands of the far and fertile West. By this course of policy, you embolden the hardy woodman to defend his country from aggression. Even a free hold of 50 acres of land binds a man to the institutions of his country, and he will cheerfully fight in defence of its rights and the great principles of liberty.—What, sir, invigorates the elastic step of the youthful warrior? It is to think of this home, the land that gave him birth. Sir, what nerves the arm of the wayworn soldier? It is the right of soil, and the knowledge that a generous Government will provide a home for the widow and the fatherless. Sir, the more extended the distribution of the soil is among the citizens, the more you foster the choice gems of intellectual worth that burst from the quiet shades of humble life. If disposed then to divide or sell the whole domain, there should be some qualification to the first Resolution, for its broad and mandatory terms leave our Representatives no discretion.

Mr. Speaker, with regard to the second Resolution, I also differ with the gentleman from Surry, although I am in favor of some of the principles contained in it. In the first place, I will state one ostensible objection. I say North-Carolina is entitled to have a proportionate part of the public domain, according to the principles of the deed of Cession, which is the written contract that she made with the General Government when ceding her public lands. But what does the second Resolution propose, sir? To violate the express terms of the contract entered into by the parties. As before stated, I am in favor of so amending the Resolution that it will speak the language of truth; for it seems to me as a double entendre. Sir, let us look for one minute to the terms upon which this confederacy was formed. Each State was to contribute to the expenses of the General Government, in proportion to the value of its improved lands, pretty much the same as our present mode of taxation. In 1788, N. Carolina became a member of the Confederacy, and in 1789, North Carolina ceded to the General Government that vast section of country now comprising the State of Tennessee, for certain specific purposes, and the language of the deed on her part was as follows, to wit: "That it is hereby ceded to the United States, 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 disposed of for that purpose, and for no other purpose whatsoever." Now, Sir, from the very language of the deeds of cession, North Carolina believed that she was paying her proportion of the National burthen. Under this belief, she dismembered herself of one half of her territory; yes, deprived herself of that fertile country stretching from the Alleghany to the Mississippi. Sir, what is the next point of history connected with this matter, that shows the extent of the claim of North Carolina? Adverse from the one assumed by the Resolution, it is, that the Federal Government in 1780, changed the mode of taxation and adopted a rule still more prejudicial to the interest of North Carolina; and that was, that the public Revenue was to be raised from the States according to their Federal population. This State, having one tenth of the entire Federal population, this new rule made North Carolina a debtor State for one tenth of the whole National burthen. This then, is my objection to the second Resolution—that is my strongest objection, for there are other facts assumed that I believe not to be true. It proposes to divide the proceeds of the public lands among the States according to their Federal population. It is my opinion that we have no power to make new contracts, and therefore ought to insist upon a strict division of the trust fund. If so, the proceeds ought to be divided in proportion to the general charge and expenditure incurred by each State in the support of the United States; and if North Carolina, paid more than other States, or if she paid less, then let her receive an equitable share of the resulting trust. If the conveyance was conditional, and the object of the trust be accomplished, it necessarily results, in the same proportion, to the States that contributed it to the General Government. If this then be true, let us not hold out to the new States, for some of their aspiring politicians to bite at, the inviting prospect that we are willing to divide the lands, or the proceeds, according to Federal population. This surrender of the just principles upon which our claim is founded, with the hope of inducing them to join us in a speedy distribution, will, in my opinion, excite their ava-

rice, and sharpen their appetites, and invite them to grasp at the entire control of the public domain; for we are virtually surrendering the strongest ground upon which our claim is bottomed on the General Government, for remuneration for the heavy burthens that we bore in defence of our National Independence, and the manifest injustice done us by the General Government, in inducing us to cede our lands to discharge a portion of the general charge and expenditure, and by Congress funding the debts of the Revolution in 1780, and changing the mode of taxation. Sir, look at Tennessee, with the same Representation in Congress as North Carolina. I ask, has she contributed to the general charge and expenditure, an equal proportion with North-Carolina? No, she has neither conveyed lands nor yielded customs; and now, to give her an equal portion with North-Carolina, who bore the heat and burthen of the day, is doing injustice to her claims. I am not for giving to that State one half, nor even less, of our rightful claims, either to please the ambitious and aspiring men of that or any other State.

Sir, how would North Carolina stand, compared with New York, in a division by population, with her two millions of inhabitants? See also Ohio, with her tremendous population, sweeping the proceeds of the public lands from the old States, who fought and bled for them, and actuated by patriotism, ceded them to the Confederacy. I am fearful, Sir, these Resolutions are intended more for effect elsewhere, than to subserve the pecuniary interests of North Carolina.—I am for sticking to the good old rule of asking for nothing but what is right, and recovering nothing but our just dues. I am not so sycophantic and sordid for gain, as to be willing to ask for a much smaller amount than our just right, to make sure work with the new States, as well as the old; to induce them to give us so inadequate a proportion to the general charge and expenditures borne by us. Let us then not tie up the hands of our Representatives by directing them to propose to receive in the first instance not more than half our due. Let us have it all, if right; if not right, none. Sir, what a pretty figure your Representatives would cut, when told by the other States, as your people are willing to take a part in discharge of what they say they are entitled to, they will soon abandon their claim, or agree to take much less. I am always for maintaining National faith inviolate. If North Carolina then, did convey her Western Territory for National purposes, and these National purposes, for which the cession was made, have been accomplished, then and in that case, the remainder of the ceded or bargained property clearly results to the States that originally ceded them. From this view of the subject, I cannot consent to do North Carolina such injustice as not to declare her rights; and by voting for the second Resolution, there would be a clear departure from the principles upon which her claims upon the General Government are founded, as I understand them. And I believe that there are others that support the Resolution who think with me, but are disposed to waive their objections and go for it to gratify others. Sir, I am not disposed to gratify any political party at the expense of the best dictates of my own judgment. My course upon this question shall be governed by principle, and I shall give no vote that is calculated in its character to corrupt in any degree any portion of the American people. Regarding the subject as I do, I shall vote for the first Resolution, although I dislike some of its unqualified expressions, but for the second my objections are insurmountable, and without amendment, a sense of duty compels me to vote against it. I offer, therefore, the following amendment, which meets my views, as the proper basis on which the distribution should be made, as well of the ceded lands, as of those subsequently acquired by purchase.

[This amendment has been published already.]
Mr. CLINGMAN replied at some length to Mr. GUINN, but as several gentlemen who spoke afterwards, occupied nearly the same ground, and fully met the objections of Mr. G. we deem it unnecessary to publish his remarks.

Tuesday, Dec. 2.

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 partizan feelings,—he felt 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. 3rd. 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 magnanimity 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 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," &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, in 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 "that 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 & 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 waves, 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, N. 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 their 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, enterprize 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