

RALEIGH REGISTER

AND NORTH CAROLINA GAZETTE.

"Ours are the plans of fair delightful peace, unwarped by party rage, to live like brothers."

MONDAY, DECEMBER 21, 1838.

NO. 8.

HOUSE OF COMMONS.

Monday, December 10, 1838.

The following Resolutions, introduced some days since by Mr. F. J. HILL, of Brunswick, were called up for consideration, viz:

Resolved, That each of the United States being a party to the national compact, possesses an interest in the Public Land proportioned to the federal population of each, or, in the terms of the compact, "according to the usual respective proportions of the general charge and expenditure."

Resolved, That those States, in whose favor Congress has not made appropriations of the Public Domain for the purposes of Education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in behalf of other States.

Resolved, That our Senators and Representatives in the Congress of the United States be requested to urge the claims of the State of North Carolina to her portion of the Public Lands. And that the same, when obtained, be applied to the establishment and support of Common Schools and the promotion and diffusion of Education throughout the State.

The question being on the adoption of the Resolutions, Mr. HILL addressed the House as follows:

MR. SPEAKER: In introducing the foregoing Resolutions, I am solely influenced by a consideration, most assuredly of paramount importance—a desire, I have ever cherished with the deepest interest, to furnish the means of a plain education to every Citizen within our limits.

I am aware, Sir, that in proposing any action in relation to the Public Lands, I am approaching a subject which has been a prolific source of discussion and extravagant political controversy within these Halls. But, on the present occasion, I disavow such feelings and shall studiously avoid any such tendency in the remarks I am about to submit. The argument by which I shall attempt to support the Resolutions, I shall found

1st. Upon the justice and propriety of our claims;

2d. On the important advantages which may be anticipated to result from the application of the proceeds, as contemplated by the Resolutions; and

3d. Upon the necessities of our People and the urgent claims they have upon the State to supply their wants.

I will not, Sir, weary the attention of this House by entering into a detailed history of the Public Domain. Sufficient for my present purpose, will be to state, that, at one period of our country's history, all that Tract of Territory, included between the Pacific Ocean and our present Northern Boundary, was granted by Elizabeth of England to the illustrious individual whose name the Capital of our State, the city in which our present deliberations are held; now bears: That by various subsequent grants and forfeited charters, other territorial limits were established and dissolved: That, by a treaty between France and Great Britain, entered into in the year 1763, the Mississippi River was agreed upon as the Boundary line between Louisiana and the British American possessions.

This, Sir, was about the condition of the Boundary of the British American Provinces at the period of our memorable struggle for Liberty. The original 13 States were then, some of them, undefined and many of them unexplored British Colonies. The numerous abuses of the mother country, and the flame of liberty which burned within the bosoms of our Patriot Fathers, determined them to cast off the yoke of oppression and establish for themselves and their posterity, a free and independent form of Government. Upon the incidents or issue of this glorious epoch, I will not permit myself to dwell, farther than is important to my present purpose. The same daring spirit which actuated our forefathers in declaring their Independence, sustained and carried them successfully through the unequal contest. By the Treaty of Peace, which followed in 1783, Great Britain relinquished to the old 13, all claim to the Government property and Territorial rights of the same, extending to all the lands included within the chartered limits of the United States and then known as Crown Lands.

The Boundary, as determined by the Treaty, was as follows, viz: On the North, by the Russian and British American possessions—on the East, by the Atlantic Ocean—on the South and West, by the Mississippi River and the Gulf of Mexico. At this period, the limits of many of the States were very extensive; in some of them undefined, and in all of them, differing in area and value. The cause in which they were engaged, was a common cause, the struggle of freemen for liberty. In furnishing the means for the accomplishment of their object, the rule of apportionment was not according to the extent or value of the Territory possessed by each, but, impelled by an ardent love of liberty, each contributed, cheerfully, according to the ability of each. But, Sir, in the progress of the Revolution, this very subject of the waste lands was a source of discord and dissension, which excited sad forebodings in the bosoms of those early votaries of freedom.

The large States, influenced by that feeling of avarice which, as being then exhibited, appears to be almost inseparable from our natures, contended that, in the event of a successful issue to the contest, their Territorial limits should not be lessened; and their right of soil remain unaltered. The smaller States urged, on the other hand, that the struggle was for principle and not for aggrandizement—that they contributed their quota of men and of money—that the sovereignty of the soil, within the chartered limits of each of the States, was still in the British Crown, and never could be wrested from it but by a united effort and at a common sacrifice—that even, if they succeeded in the attempt to be emancipated from foreign oppression, their political importance would inevitably be overshadowed at home by the overwhelming influence of the larger States, and refused to enter into the Confederacy until a compact was formed, which secured to each member, rights and advantages proportioned to the charge and expenditure incurred by each.

But, Sir, to exhibit to this House more clearly, the state of feeling which prevailed on this subject at this early period, I will read the Instructions given by the General Assembly of the State of Maryland to their Delegates in Congress in the year 1779:—

"Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, ability and zeal, to promote the general welfare of the United States and the particular interests of this State, when the latter is not incompatible with the former; but to add greater weight to your proceedings in Congress, and take away all suspicions, that the opinions you are to deliver, and the votes you give, may be the mere opinion of individuals and not resulting from your knowledge of the sense and deliberate judgment of the State you represent, we think it our duty to instruct as follows on the subject of the Confederation—a subject on which, unfortunately, a supposed difference of interests has produced an almost equal division of sentiment among the several States comprising the Union. We say a supposed difference of interests; for local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice (and no other policy but what is founded on those immutable principles deserves to be called sound) we flatter ourselves this apparent diversity of interests would soon vanish; and all the States would confederate on terms, mutually advantageous to all; for they would then perceive that no other consideration than one so formed could be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some States to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that when those causes cease to operate, the States which have thus acceded to the confederation, will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights, and securing their independencies. Is it possible, that those States,

which are ambitiously grasping at Territories to which, in our judgment, they have not the least shadow of exclusive right, will they with greater indignation the increase of wealth and power derived from those Territories, when acquired, than what they have displayed in their endeavors to acquire them?—We think not—we are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of the States, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength, to oppress by open force their less wealthy and less powerful neighbors, yet depopulation and, consequently, the impoverishment of those States, will necessarily follow, which, by an unfair construction of the confederation, may be stripped of a common interest and the common benefits desirable from the Western Country. Suppose Virginia, for instance, indisputably possessed of the extensive and fertile country to which she has set up claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession. They cannot escape the small discerning.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury, vast sums of money, and in proportion to the sums arising from such sales, would be enabled to lessen her Taxes, Lands comparatively cheap, and Taxes comparatively low, with the land and Taxes of an adjacent State, would quickly drain the State, thus disadvantageously circumstanced, of its most useful inhabitants. Its wealth and its consequence in the scale of the confederated States, would sink of course. A claim so injurious to more than one-half, if not the whole of the United States, ought to be supported by the clearest evidence of the right.—Yet what evidence of that right has been produced? What arguments alleged in support, either of the evidence or the right? None that we have heard of, deserving a serious refutation. We are convinced—policy and justice require, that a country, unacquired at the commencement of this War, claimed by the British Crown and ceded to it by the Treaty of Paris, if wrested from the common enemy by the blood and treasure of the 13 States, should be considered as a common property—subject to be parcelled out by Congress, into free, convenient, and independent Governments, in such manner and at such times as the wisdom of that Assembly shall hereafter direct.

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

The political sagacity, the insight into the future, manifested by the authors of these instructions, is indeed most admirable.—The articles insisted on by Maryland were inserted; and yet, in little more than half a century, we witness the overwhelming preponderance of some of the States in the Councils of the Nation. When the apportionment of representation was made at the adoption of the Federal Constitution, to Maryland was assigned 6 members; North-Carolina 5; Virginia 10; New York 6; and how stands the account in our day? Why, Maryland has 8, North Carolina 13, Virginia 21, New York 40! So, that the depopulation alluded to in the declaration has taken place, at least in a relative sense.

At the close of the revolution, the country was encumbered by an enormous debt of 200 millions, to be paid out of the common Treasury of the old 13, besides heavy responsibilities by the Treasuries of the States, respectively. Our Commerce, at that period, being very small, the revenue from it was inconsiderable; and this heavy indebtedness was met principally by the Agricultural interest. This, together with provisioning the army during the war, was a mighty requisition upon the soil. Incessant culture, carelessly applied, and without any aid from manuring, produced a state of exhaustion tending to sterility. In this condition of our agricultural prospects, the sale of the Public Lands commenced—the virgin soil of the West was thrown open to our enterprising and industrious citizens—great inducements were offered to settlers by the General Government—the Lands were cheap and the Taxes low—Pre-emption Rights were granted them—and so munificent was its policy (at our expense) in the appropriation of land for Internal Improvement, and purposes of Education, that facilities in both were furnished to every neighborhood within the limits of many of the new States.

Sir, the inducement was too powerful, the temptation too strong, to be resisted by a being in whose breast self-interest is the ruling principle. A mighty tide of emigration Westward, was its consequence, which, with the old States, has not yet reached its ebb, but is annually draining us of our talents and our wealth.

The views set forth by the State of Maryland, in her instructions to her delegates, were similar to those entertained by all the small States, and the act of cession by the State of Delaware was accompanied by the following Resolution, viz:—

Resolved, That this State consider themselves justly entitled to a right, in common with the members of the Union, to that extensive tract of country which lies to the Westward of the frontier of the United States, the property of which was not vested in, or granted to individuals, at the commencement of the present War; that the same hath been or may be gained from the king of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States."

Such, Sir, was the character of the title of the States to the Lands within their respective limits, at the period of the American War; and such was the public feeling which prevailed in relation to the subject.

It remains for me to show the effects, produced on it by that event, and the circumstances growing out of the same.

It was essential to a successful prosecution of the war, and the establishment of a salutary and permanent form of Government after its close, that a federal alliance should be formed between the States. Without it, there was no common head—no concert of action, either in projecting plans of operation, or raising means for conducting them. To effect a compromise, and to accomplish so desirable an object, the different Legislatures passed Resolutions; and the General Congress made appeals (for they had no power to do more) to the magnanimity and patriotism of the States; and under the genial influence of the love of Union and of Liberty, the appeal was not made in vain.

New York led the way in the generous compromise. In the year 1780, her Legislature passed an act, entitled "an act to facilitate the completion of the articles of confederation and perpetual union among the United States of America." By this act, it was declared that the Territory which she ceded "should be and endure forever for the use and benefit of such of the United States as should become members of the Federal alliance of the said States and for no other use or purpose whatsoever." Four years after, articles of Cession were entered into between the State of Virginia and the General Congress under the articles of Confederation. In this instrument bearing date the 1st March 1784, the State of Virginia authorized certain Commissioners "to convey, transfer, and make over unto the United States in Congress assembled for the benefit of said States, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the Territory or tract of country within the limits of the Virginia Charter, situate, lying and being to the Northwest of the Ohio River, to and for the uses and purposes, and on the conditions of the said recited act." Now sir, one of the purposes and conditions of the act, is in these words: "That all the Lands within the Territories so ceded to the United States and not reserved for, or appointed 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 the said States, Virginia inclusive, according to their usual respective proportions of the general charge and expenditure; and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. The deeds of cession from

the other States were very similar to those from New York and Virginia, and it does appear to me, Sir, that language cannot be more explicit. Here the General Government is made a Trustee for the several States by the legal and technical words, which not only imply, but absolutely create a trust. It was certainly not intended for the States in their Confederated character; if it had been, it would have stopped at the words United States; but when the Virginia deed goes on to specify herself by name, and to state the measure and manner for the division of the common fund, it was certainly her intention to distribute it to her sister States respectively, according to the charge and expenditure incurred by each during the arduous and bloody contest by which the title was secured.

But Sir, there is a point of view in which this question may be placed, which to my mind, is perfectly conclusive. The States at that time were under the articles of Confederation; the present Constitution was not adopted until '89. Now under these, the Congress had no power to raise money but through the State Legislatures for special purposes. The 8th article of that instrument provides, "that all charges for War and other expenses that shall be incurred for the common defence or general welfare, and allowed by Congress, shall be defrayed out of a common Treasury which shall be supplied by the several States;" and it is further provided that the Taxes for paying the proportion of each shall be laid and levied by the authority and direction of the several States. To this state of things existing at the time of the delivery of the Virginia deed, its provisions must necessarily apply. The terms "general charge and expenditure" used in the deed, evidently refer to the proportion furnished by each State for prosecuting the War, and just in like proportion it was beyond all doubt the intention of the parties to the deed that the several States should be interested in the waste Lands. Now I would simply ask, had the States continued under the articles of Confederation to the present time, what manner of disposing of the proceeds of the Public Lands could have been ever thought of, but a division among the several States, according to the usual charge and expenditure as by the deeds of Cession or according to Federal population.

This view of the subject, I apprehend, must be conclusive, unless it can be shown that the change of Government, on the adoption of the Federal Constitution, has conferred upon the General Government a title to these Lands, paramount to that conferred upon the States under the article of Confederation. But this cannot be, because it was a compact made and entered into previous to the adoption of the Constitution, and was referred to, and made binding by that instrument. The 1st section of the 6th article reads thus: "All debts contracted, and engagements entered into before the adoption of this Constitution shall be as valid against the United States under the Constitution as under the Confederation." And again, in the 3d section of the 4th article, it is declared "that Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory and other property belonging to the United States, and therein in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

So far, then, from the terms of the Confederation of 1778 being weakened, or the compact, as relates to the Public Lands, being abrogated, they appear to be confirmed by a recognition of the claims of the States; and the insertion of every provision necessary to carry into full effect the understanding which existed between them at the former period.

Such is the tenure by which the States hold all the Lands North of the 31st degree of latitude, and East of the Mississippi River, with the exception of Georgia, whose deed of Cession bears date after the adoption of the Federal Constitution; but is, in other respects, in exact agreement with the deeds already considered.

As to the Lands lying within the original bounds of the purchase of Louisiana and Florida, together with those owned by the Indians within the limits of several of the States, they were acquired by purchase, and our right to apply them, rests upon different grounds. 'Tis true, we have no compact concerning them, nor any Constitutional provision for the disposal of them in any manner; nor can any article be found in the Constitution authorizing the purchase—but it is certainly reasonable and just, that where a large extent of Territory is added to that already belonging to the United States, it ought to be subjected to the same Constitutional provisions and principles of law, which governed in the disposition and management of the Lands which were held at the formation of the Constitution. But again, the purchase money for Louisiana and Florida has been paid out of the fund accruing from the Land Sales, as will appear by reference to every statement made on the subject by the Secretary of the Treasury. If then, the proceeds of the Public Lands, the property of the States respectively, has been applied to the purchase of other Lands, it follows by the common principles of equity, that the Lands, so acquired, should be subjected to the same rules of distribution which applied to the original subject out of which the payments were made.

Having succeeded, I think, in establishing the first branch of my argument, viz: the justice and propriety of our claim—let us proceed to enquire how the trust has been discharged; in what manner the compact has been complied with; the understanding which existed between the parties thereto carried out by the disposition of the waste Lands made up to the present period. As long as a public debt existed, this was a legitimate object for the application of any revenue arising from the sales; but this having been paid off, I am unable to discover how, under the deed of Cession, any other appropriation of the funds, accruing from this source, could have been made, than to the States respectively, in due proportion, according to the terms of the deeds. It is not my present purpose, however, to enter at large into the action which the General Government has thought proper to take in the matter. My object, now, is to exhibit the claims which our own North Carolina possesses to a portion of the Public Domain for the establishment of Common Schools—equal to that which has been recognized in favor of other States for similar purposes. In order to exhibit to the House the large amount which the State would receive even by this partial division of the Public Lands, let us, for a moment, advert to the appropriations which have been made in behalf of other States, whose claims are precisely similar to our own. Sir, I deny that Congress has any authority, either by the Articles of Confederation, or the Constitution subsequently adopted, to make such a disposition of the Public Domain. As a Trustee, its powers were confined to the sale of the Lands; after which, as under any other trust, the proceeds should have been paid over into the Treasuries of the several States. But it has thought proper to act otherwise, and the best amends it can now make to the other members of the compact, is to deal out to them the same measure it has pleased to mete out to a part.

I find, by reference to official documents, that the following number of Acres have been granted to 10 of the States for the purpose of Colleges and Common Schools:

State	Acres	State	Acres
Ohio	753,863	Alabama	935,590
Indiana	673,948	Louisiana	920,053
Illinois	1,080,977	Michigan	1,148,160
Missouri	1,277,719	Arkansas	996,338
Mississippi	880,444	Florida	923,564

In all about ten millions.

Sir, this is an immense amount of property, and, in time, must become a very ample source of revenue for the purposes of Edu-

cation in those States which have been subjects of the munificence of the General Government. I have not been able to learn whether sales have been ordered in all the States, but if the value of the Lands can be estimated by the sales which have been made in some of them, the aggregate amount would create a fund almost sufficient to establish Schools commensurate with the wants of the whole Union.

On this subject, the Superintendent of public instruction, in the State of Michigan, in an official Report to the Legislature, submitted in January 1837, uses the following language, viz:

"The Primary School Lands reserved from sale, and given to the State by the ordinance of Congress, consist of section No. 16 in all the surveyed Townships. The Peninsular portion of the State of Michigan consists of nearly 40,000 square miles—one 36th part of which belongs to the Common School Fund. In 40,000 square miles, there are 1,111 Townships of 36 square miles each, but, dropping 11 entire Townships for the deficiency already suggested, there will remain 1100 Townships, which is a fraction less than the true number. In 1100 square miles, there are 704 thousand acres, which, at \$5 per acre, the minimum price, would realize to the State \$3,520,000. According to another estimate, he values them at \$3,850,000, and adds: these estimates may seem to be extravagant, but it is confidently believed that the result will exceed, rather than fall short of the highest computation."

And, Sir, the sales which took place in the summer of 1837, under the greatest pressure of the money market, have proven the correctness of the opinion, for, they have more than doubled in amount the estimate of the Superintendent. I do not, however, object to this manner of disposing of the Public Domain. I believe it is as wise and salutary a disposition of it as can be made; but I do object to a preference being given to any of the States. I do complain, that every member of this Union does not alike participate in advantages and benefits to which all are alike entitled.

And now, Sir, let us advert, for a moment, to the incalculable advantages which would result from the judicious application of so large a fund, as this would place at the disposal of the State, to the purposes contemplated by the Resolutions. In despotic Governments where the people have no voice, either in the election of the law-makers, or the appointment of those to whom the execution of the Law is entrusted; where the only privilege they possess is the privilege of paying taxes; where personal liberty is but a name, and the freedom of thought is chained down to the caprice and prejudice of the despot, it is the interest, as it is very generally the policy of those in power, to withhold from the subject the blessings of a General Education.

The object of the institution and maintenance of every form of Government ought to be to secure the existence of the body politic, and to afford to the individuals who compose it, personal protection, security of property, and the undisturbed enjoyment of the blessings of life. In popular Governments, of which ours is an example, the body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole People covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. The first clause in our Bill of Rights declares that all political power is vested in and derived from the people only. Here, Sir, where the popular will is the only fountain of power, where the governors are the servants of the governed, where the avenues to promotion are open to character and to talent, where the character of the Representative is but the reflection of the mind and feeling of the constituent body, it is all-important that the public mind should be enlightened by the general diffusion of the blessings and advantages of Education. Here, general intelligence is essential to wise legislation—wise legislation to good laws—which are, every where, indispensable to national prosperity. These three propositions, I think, may be put down as axioms in our political system. Just and wholesome Laws can only be expected from honest, vigilant and well informed legislators, and from such laws alone, can prosperity and happiness be enjoyed by any people.

By the term, Education, Mr. Speaker, I do not mean the mere communication of knowledge. This is but giving the power to act, whilst the question whether it will be for good or for evil; whether the acquisition will be a blessing or a curse to the recipient and to others, will depend upon the manner in which the principles and disposition of the individual will influence him to employ it. Teach the art of writing to the man, in whose heart every other consideration is absorbed by the love of money, and he will use it in counterfeiting the name of his friend or his neighbor. Give it to him, in whose bosom the light of divine truth has shed its benign and hallowed influence, and he will employ it in the propagation of the saving message to "Earth's remotest bounds." The Philanthropist will employ his knowledge of Geography and Navigation, to discover and supply the wants of his fellow man; while the Pirate will use his to direct and to guide him to the work of murder and of death. The term, Education, then, means something more than the mere imparting of instruction; it is the engrafting of knowledge upon a good stock, the application of all those means calculated to develop the physical, moral, and intellectual faculties of man. It implies instruction, it is true, in all the branches of knowledge which are necessary to useful and efficient action in the sphere of the individual; but it must also include the physical training, which is to render the body capable of executing the purposes of the mind; the skill which is requisite, in order to apply our knowledge and strength to the very best advantage; and, above all, the moral discipline, by which the character and the direction of our efforts are to be decided.

Such, Sir, is the character of the training I desire; and which it is the tendency of the Resolutions to impart to our people; and who can doubt the salutary influence it would exert upon individual happiness, social enjoyment, and national prosperity?

Let us, for a moment, contrast the condition of an educated, well-ordered family, with its opposite, in the common walks of life. In the one, prevails peace, harmony, and comfort; a mutual disposition to please, and to benefit, to impart and to receive instruction. In the other, brutal passions, haggard wretchedness and strife, reign with terrific sway. On the part of the parent, imprecations and menaces, for want of resources for occupying, amusing, or interesting, the younger minds, who, in return, receive from the children, rudeness, strife, insubordination, and even violence. Home has no attractions for the children of such a family; and all the leisure which can be had from the daily toils & engagements imposed upon them by the stern necessity of working for a subsistence, is spent in wandering abroad in pursuit of amusement suited to their sensual, and too frequently, vicious propensities.

Personal dignity of character, and individual happiness, are not less promoted by Education than the peace and harmony of families and communities. It confers a quickness of conscience, a strength of principle, a liveness of sympathy, an earnestness and an independence of character, which enlarges the capacity of the individual for usefulness in any sphere where he may be called to act. "Man, ignorant and uncivilized, is a ferocious, sensual, and superstitious Savage. The external world affords some enjoyment to his animal feelings; but it confounds his moral and intellectual faculties. External nature exhibits to his mind a mighty chaos of events, and a dread display of power. The chain of causation appears too intricate to be unravelled, and the power too stupendous to be controlled. Order and beauty, indeed, occasionally gleam forth to his eyes from detached portions

Foster's Essay on the evils of Popular Ignorance.