





## JUNIUS TRACTS.

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## THE PUBLIC LANDS.

BY JUNIUS,

Author of "THE CRISIS OF THE COUNTRY," and other Tracts of 1840.

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## THE PUBLIC LANDS.

### § 1. *The Question.*

THE question we have to consider is—What were the *conditions* of the Deeds of cession of the public domain from the States to the United States, what were the *purposes* of those acts as understood by the parties, and what *practical rule or rules* will result from them, for the administration of this great estate, and for the disposition of its proceeds?

### § 2. *The original Controversy which led to these Cessions.*

It should be understood, that while the Colonies were parts of the British empire, the public lands were chiefly owned, under charter rights from the Crown, by Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina, and Georgia, while the other of the thirteen original States had no interest in them. It will be apparent, however, that the perils, toils, cost of blood and treasure, and other sacrifices of the Revolutionary struggle, fell equally upon all the States, while the debts were rapidly accumulating, and in the end rose to a great and oppressive magnitude. It was impossible, in these circumstances, to repress the question, Whether it was fair, that the States which had no interest in the titles of the public lands, should be obliged to fight, shed their blood, and pour out their treasures *equally* in defence of this vast territorial domain, and finally be excluded from all participation in the benefits? More than this, whether they should be left in the end, with a debt upon their shoulders, without means or power to meet it, while the other States, which would have done no more, would have an estate large enough for an empire, and valuable beyond estimation? No one can deny the pertinence of such a question. It was unanswerable.

### § 3. *The political Character of the Confederation.*

It was a mere association of separate sovereignties, for common good, and for a common end. We were not a nation, in the common sense of the term, till the adoption of the Constitution, unless the States be regarded in the light of so *many* nations, having all the attributes of sovereign powers, as was actually the case. Of course, in this view, we were not *one* nation, but *several*, which leaves the matter as we feel obliged to represent it. The Confederation was capable of dissolution; the Union is not, except by violence. The question about the public lands, as it existed among the States, was started, agitated, and settled by them, in their capacity and character, as *independent sovereignties*, not as integral portions of a republican empire. For a right understanding of the case, in determining the question before us, it is necessary, that this state of things should be kept in view.

### § 4. *The Action of the old Congress on this Subject.*

Contemporaneously with the agitation of this question among the States, Congress, for several years, sympathized, and formally expressed their views and purposes. To check the progress of discontent, and suppress controversy between the parties to this question, they had recommended a cession of these territories to the United States for common use and benefit, and in October, 1780, “*Resolved*, that the unappropriated land that may be ceded or relinquished 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,” that is, of the *confederated* States, such being their position at the time, before the Union, under the Constitution, was conceived. The recommendation alluded to and this resolution were held out as a *lure* to the States, and as a *security* of their rights in the public domain. Considering the character of the Government at that time, under the Confederation, it was precisely the same as saying to the States, in order to remove all grounds of jealousy and concern—*You shall in no wise lose your rights in this property, as STATES.* It was to rescue the lands from controversy *between* the States, that this arrangement was recommended and consummated, and not to invalidate their title as parties. It is obvious, if the States, which owned the lands, were unwilling to give a *part* interest in them to the other States, that they would never entertain the idea of making over the *whole* to a third party, and all for the benefit of that party. It would be absurd to suppose, that such was the case. But the term “*United States*,” at that time, was synonymous with *confederated* States, and that settles the point.

### § 5. *The Deeds of Cession.*

It is to be observed, that the States, which owned the public lands by charter rights, were slow and reluctant to part with them, and it was only a sense of justice to the other States, and of the necessities of the country, that finally prevailed. New York came first into the arrangement, in 1780. Virginia, whose domain was vast, held the question in suspense, till 1783, and although the resolution of Congress, in the foregoing section, was couched in terms expressly to guaranty the ultimate destination of the avails or proceeds of the lands

to the States, in their *State capacity*, yet, to make the security doubly secure against any possible future interpretation of the cession into a *quitclaim*, the Legislature of Virginia selected the most explicit terms to guard and defend this point, in their act of cession, as follows:—"That all the lands within the territory so ceded, and not reserved," &c., "shall be considered a COMMON FUND, for the use and benefit of such of the United" (confederated) "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 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 WHATSOEVER."

Massachusetts followed in 1784, and having the law of Virginia before them, must have intended the same thing. In 1786, Connecticut passed her act of cession "to the United" (confederated) "States, in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive." In 1787, South Carolina ceded her vacant territory "to the United States, in Congress assembled, for the benefit of said States." In 1789, North Carolina ceded in terms as follows:—"All the lands intended to be ceded by virtue of this act, shall be considered as a COMMON FUND for the use and benefit of the United" (confederated) "States of America, North Carolina inclusive, ACCORDING TO THEIR RESPECTIVE AND USUAL PROPORTION in the general charge and expenditure, and shall be FAITHFULLY disposed of for that purpose, AND FOR NO OTHER USE OR PURPOSE WHATSOEVER." The cession from the State of Georgia was made in 1802, the conditions of which are as follows:—"That all the lands ceded by this agreement to the United States, 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."

### § 6. Exposition of the Deeds.

First, it is to be considered, that they originated and were matured under the *Confederation*, when the States existed as independent sovereignties, with their separate systems of political economy. The agitation of the question commenced early in the history of the Revolutionary war, and the principles of cession were settled before 1780, in which year the old Congress, as we have seen, acted formally on the subject, first, by recommending this course to the States, and next, by adopting a resolution to secure the rights of the States. The acts of cession by six of the seven ceding States, bear the following dates:—that of New York, 1780; of Virginia, 1783; of Massachusetts, 1784; of Connecticut, 1786; of S. Carolina, 1787; of N. Carolina, 1789; and the Constitution was adopted in 1789. Thus it appears, that the whole plan was fixed in that state of things, which existed under the Confederation. This is an important fact in the question of interpretation, as it goes to show in what sense the terms and phraseologies of the Deeds of cession were used. The States at that time had no ideas of the UNION, as embodied in the Constitution of the United States, and as entertained since its adoption; but they all looked to their separate interests as paramount with them to all other considerations. In this view, let us examine the terms and phraseologies of the Deeds. 1. "Shall be considered a *common fund* for the use and benefit of such of the United" (confederated) "States, as have become, or shall become, members of the Confederation, or Federal alliance of the said States." The words "*common fund*," and "*such of the United States*," in connexion with what follows, most clearly constituted the *States*, in distinction from the *Confederation*, as the parties to be benefited by this arrangement. Every one will see, that such language was not required in a cession to the *nation*, for the use and benefit of the nation, and that it is incredible it should have been employed for that object. 2. "Virginia inclusive," "Connecticut inclusive," "North Carolina inclusive," "Georgia included." This, it will be observed, is a legal technicality, arising from the principle of law, that when one party of two or more parties, makes a conveyance to the others, as in this case, the party executing the deed retains no right, but conveys *all* title, except by the introduction of this saving clause, as "Virginia inclusive," which leaves Virginia her title, according to the terms specified. If the cession had been made for the use and benefit of the United States as *one nation*, Virginia of course would have been *included*, and there would have been no need of this phrase; but as it was manifestly made for the use and benefit of the *States*, in their separate capacities, it was necessary in law to introduce this phrase, to save the right of Virginia, else she would have retained none. If there were no other evidence of the *intent* of this instrument, as being for the *States*, and not for the *nation*, this alone would be conclusive. 3. "According to their usual respective proportions in the general charge and expenditure." Here is the *rule* of distribution. It would be strange, indeed, that it should be possible to suppose that *no* distribution was intended, when the *rule* is given! Can anything be more clear? 4. "Shall be faithfully and *bona fide* disposed of for that purpose." "*Bona fide*," in good faith. But what faith is required for a party to manage its *own* for *itself*? If the public domain is the property of the United States as a *nation*, there is no faith with the *States* concerned in its administration. 5. "And for no other use or purpose whatsoever." If these lands were not given in trust for the use and

benefit of the States *as such*, then the contracting parties are chargeable with the absurdity of agreeing, that they shall not be disposed of for the use and benefit of foreign powers! Was there any apprehension of that?

With these *express and explained* conditions (it is remarkable that they were *explained* by *explicative* phraseology), the General Government *accepted* the trust, and became a party to the covenant. It was to settle a most serious difference, an alarming controversy among the States—a controversy which had well nigh lost us our independence, and which, if continued, would have rendered independence of little avail. It was a great compromise, such as has frequently characterized our history in our more critical emergencies. But the States took care not to surrender their rights.

### § 7. *The Deeds of Cession, Deeds of Trust.*

In all cases of trust, the trustee is not proprietor of that which is put into his hands, but an agent bound by the instructions of the instrument that invests him with his functions. This is a principle which is perfectly understood, because it is one constantly practised in society, in the administration of common law and statute regulations. In the case of *Jackson vs. Clark*, Supreme Court, U. S., 1 Peters, 655, Chief Justice Marshall, after having cited the terms and conditions of the Virginia cession, as we have done above, says—"The Government of the United States, then, received this territory *in trust*, not only for the Virginia troops on the Continental establishment, but also for the use and benefit of the members of the *Confederation*: and this *trust* is to be executed, by a faithful and *bona fide* disposition of the land for that purpose. We can not," says the Chief Justice, "take a retrospective view of the *then* situation of the United States, without perceiving the importance which must have been attached to this part of the *trust*," &c. Throughout his argument, in this decision, the Chief Justice uniformly calls these Deeds of Cession "*a trust*;" and there is probably no man who would presume to call this authority in question.

In 1825, the Hon. Rufus King, of New York, introduced a resolution into the Senate of the United States, having in view the appropriation of the proceeds of the public lands, *by the States*, to the emancipation and colonization of slaves, with the consent of parties, which began thus:—"Resolved, that as soon as the portion of the existing funded debt of the United States, for the payment of which the public land is *pledged*, shall have been paid off," &c. Of this resolution, Chief Justice Marshall, in a letter of Dec. 14, 1831, to the Rev. R. R. Gurley, Sec. of the Am. Colonization Society, says:—"I have always thought, and still think, that the proposition made by Mr. King, in the Senate, is the most *unexceptionable*," &c. This term, "*unexceptionable*," we suppose, refers to the *right* of the States to the proceeds of the public lands, as the recognised ground of Mr. King's resolution.

Mr. Madison, in a letter to the same gentleman, on the same subject, Dec. 29, 1831, says: "My thoughts and hopes," (for the aid of Colonization,) "have long been turned to the rich fund presented in the Western lands of the nation, *which will soon entirely cease to be under a pledge for another object*." General Jackson, in his message of Dec., 1832, says: "As the lands may now be considered as *relieved from the pledge*, the object for which they were ceded having been accomplished," &c.

These several authorities, in view of the language of the Deeds of cession, will doubtless be regarded as sufficient to establish the "*Trust*."

### § 8. *The Principle of Distribution recognised in the Trust.*

"According to their usual respective proportions in the general charge and expenditure." Here, as will be seen, is at the same time the *principle* and the *rule*. That such was the understanding of the compact between the States on one side and the United States on the other, is evident, first from the fact that the Deeds of Cession were familiar to all the parties before they were finally ratified, and next from the fact, that the United States *accepted* the trust on this condition and with these instructions. If there had been nothing *else*, either in the history of the time, or in the Deeds of conveyance, to settle and determine the *principle* of Distribution, this alone would fix it. But we know very well, that these Cessions were made under the *Confederation*, as the date and terms of them show, when each State looked after its own interests with a jealous eye. Hence we see the reason, why these Deeds are so carefully guarded against acts of usurpation and fraud on the part of the General Government, which, it was justly apprehended, might be committed on this immense estate. No one can read the history of that time and these documents, and not be convinced, that such was their *aim*; and if it was, and if it was so *understood* by all the parties, *that is enough*.

### § 9. *The Assumption of State Debts in 1790.*

As all the States, *united*, had fought the battles of the Revolution, and as one of the great advantages of independence *acquired*, would be the possession of the wealth of the public lands, it was only fair, that the States should be interested in these lands, "according to their usual respective proportions in the general charge and expenditure." After long delays, and with great difficulty, this question was finally and equitably adjusted, and the General Gov-

ernment was made the TRUSTEE of the public domain, *for and in behalf* of the parties, proprietors, that is the *States*, as we have shown. But both the nation and the States were left under the burden of heavy debts at the close of the war. In 1790, with a population of about 3,000,000, and a gross national revenue of only \$2,382,617, the debts of the States were over \$20,000,000, and those of the United States, \$56,000,000. (See House Document No. 296, 3d session, 27th Congress, page 470.) As the General Government had in charge the public lands, the property of the States, *as security*, it was required by the States, that the United States should assume the State debts, chiefly incurred by the war, which was done in 1790, as follows:—For New Hampshire, \$300,000; for Massachusetts, \$4,000,000; for Rhode Island, \$200,000; for Connecticut, \$1,600,000; for New York, \$1,200,000; for New Jersey, \$800,000; for Pennsylvania, \$2,200,000; for Delaware, \$200,000; for Maryland, \$800,000; for Virginia, \$3,500,000; for North Carolina, \$2,400,000; for South Carolina, \$4,000,000; for Georgia, \$300,000. (See Document as above.)

To show the *grounds* of this assumption, and the *consideration* held in charge therefor, we need only cite the 22d section of the ACT of assumption, as follows:—“*And be it further enacted, That the proceeds of the sales, which shall be made of lands in the Western Territory, now belonging, or that may hereafter belong, to the United States, shall be, and are hereby, appropriated towards sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act, may be, holden, and shall be applied solely to that use, until the said debts shall be fully satisfied.*”

Here is a distinct recognition of the “TRUST,” and a willing discharge of its obligations, *out of its avails*, or holding its avails in *mortgage*. As this debt could not be immediately paid, but must be necessarily funded, the transaction was in effect and simply a *loan* of the credit of the United States to the States, for their relief, the former holding the property of the latter as *security*, and being at the same time the Trustee and Agent of that property. It is called *assumption*. But so far from being a *gratuitous* assumption, it was a fair commercial transaction—a bargain *to pay*, for a valuable consideration—in this case, a *full and safe* consideration. The gratuity was rather from the States to the United States, in consenting to mortgage their property, to pay debts which had been contracted for the party that was made the Agent and Trustee of the public domain, if, indeed, it is proper to *erect* two such parties in the case. But we admit and maintain, that, in many important respects, regarding public policy, the States are *merged* in the United States, as parts of a whole, and that the interests of the former can not be easily separated from those of the latter, nor those of the latter from those of the former. The States were magnanimous, and consulted the general welfare, in putting the public domain in charge of the *United States*, when the country was in such straits; and for these reasons of a generous and noble character, they were and are entitled to equally generous, certainly to *fair* treatment from the other side.

#### § 10. *A great Sacrifice made by the States for the general Good.*

The Articles of Confederation proved totally inadequate for the necessities of the country, especially in regard to the power of raising revenue, which is the life of any government. With a public debt of nearly *eighty millions*, and a revenue of less than *two millions and a half*, what was to be done? It was in these straits that the reorganization of the General Government was conceived, and the Constitution of the United States was adopted, to get out of these difficulties. In the consummation of this great work, the States were called upon to sacrifice all their power of raising revenue by imposts, and to fall back on their internal resources and direct taxation, for all the necessities of their respective commonwealths. It was a great demand, certainly; but they generously, magnanimously made the sacrifice, for the general good, and deprived themselves forever of this important, it might be called indispensable power of political sovereignties. Had they not known, that the public lands were theirs, subject only to the debts of the United States then existing, would they, *could* they, in safety and common prudence, have done this?—Never. But it *was* done—done in good faith—done for the public weal, from the most patriotic motives, and the States were left to get along as they could, till the lien of the public debt on the public lands should be worked off through the agency of the General Government. Give back to the States this power of raising revenue by imposts, which was so nobly resigned by them to the United States, and Pennsylvania, with the customs of Philadelphia, and of her other entrepots in her hand, might laugh at her debt of *forty millions*. Every indebted State of the Union could relieve itself at once, and the non-indebted States might enter on magnificent schemes of internal improvement. But what would become of the *United States*?—The Union would be dissolved, because it could not subsist without this power. The States might justly claim a *consideration* for the resignation of it; but they modestly ask only that which *was* their own, and *is* their own.

#### § 11. *Another Sacrifice.*

Patiently the States waited for the liquidation of the public debt, when, in 1812, while the debt was yet considerable, we were overtaken with the second war with Great Britain, and

came out of it with a debt of \$168,000,000. Though the public lands were not liable for this new debt, still the States generously allowed the proceeds of their own property to be applied to its extinguishment, and it was not till 1836, that the first dividend was awarded in the shape of a *deposit* of surplus revenue from the National Treasury, the States being held liable to Treasury warrants at any time for its repayment!

### § 12. *Early Views of the Government as to the legitimate Source of Federal Revenue.*

It will be found by an examination of the Journals of the old Congress, while the Deeds of Cession of the public lands from the States were going on, that the lands were not looked to as a source of revenue for the *ordinary* purposes of the Government, but that the most strenuous efforts were made to mature and establish a revenue system by imposts, adequate, not only for current expenses, but to pay the interest and principal of the public debt. (See Ho. Doc. 296, 3d sess., 27th Cong., p. 177, and onward.) These efforts were continued, till the consummation of the plan in the adoption of the Constitution, the powers of which were supposed and intended to answer this purpose. They are doubtless ample. Not a word is said, not a symptom is manifested, in this early history of the Government—burdened as it was with debt, slender as was its revenue—not a word of reliance on the public lands to answer the permanent necessities of the Federal authorities. Nothing can be stronger than this negative evidence, to show the true position which the public lands occupied in the public mind of that period—that they were not regarded as the property of the nation, and could never be legitimately relied upon for the ordinary purposes of Federal revenue.

### § 13. *General Jackson's Opinion on Distribution.*

In his first Message, 1829, after alluding to the different opinions on internal improvement by the General Government, but acknowledging its importance, he says: "To avoid these evils, it appears to me, that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation."

In the annual message of 1830, speaking of internal improvement, and of distributing surplus funds among the States for that object, he says:—

"That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied, and economically expended, under the direction of the State Legislatures, in which every part of each State is immediately represented, can not, I think, be doubted." Again: "Each State would receive its quota of the national revenue from a fixed principle, as a matter of right, and from a fund to which it had itself contributed its fair proportion."

In the message of December, 1832, he says:—

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

We have not been accustomed to regard General Jackson as *openly* recognising the right of the States to the proceeds of the public lands; but we think he has hit the main and most important *historical* points in the above cited passages, although he may have avoided the conclusions to which they tend. Inadvertently, or otherwise, he has, with equal simplicity and truth, recognised the facts, that these lands were "*owned* by the States," when the cession was proposed by the United States; that the *object* of the recommendation was "for general harmony, and as a fund to meet the expenses of the war;" that the cessions were made "for the uses for which they had been asked;" that a time had arrived, when these lands were "relieved from the pledge" of cession, "the object for which they were ceded having been accomplished;" that the States would receive their respective "quotas of national revenue, as a matter of right," &c. It was difficult to go into this subject historically, and not bring out the truth—difficult not to have some sound reflections upon it, if it were touched at all. We are perfectly satisfied with what General Jackson has proved, and with his opinion, that "the public lands, as soon as practicable, should cease to be a source of revenue" to the General Government.

### § 14. *Mr. Van Buren's Opinion.*

When we can find this gentleman in the right place, we like to hold him there, *if possible*. In 1826, Mr. Van Buren said:—

"No man could render the country a greater service, than he who should devise some plan, by which the United States might be relieved from the ownership of this property" (the public lands)



“by some equitable manner. He believed that if these lands were disposed of at once to the several States, it would be satisfactory to all.”

In his letter to Sherrod Williams, 1836, in which he declares his opposition to the distribution of the proceeds of the public lands among the States, is the following remarkable passage :—

“In respect to the public lands, I need only observe, that I regard the public domain as a *trust fund, belonging to all the States, to be disposed of for their common benefit*. Ample authority for that purpose is conferred on Congress, by an express provision of the Constitution.”

To account for this passage in a document, which, in other particulars, makes a decided *set-against* Distribution, it is proper to observe, that it is quoted by Mr. Van Buren himself, from a former letter to his constituents in the State of New York, *apparently* for the purpose of satisfying those who agree with him, so far as this quotation from an old letter of his is concerned. Mr. Van Buren, as is partly suspected, has an eminent faculty of throwing out crumbs flavored for the tastes of all sorts of appetites.

#### § 15. Mr. Calhoun's Proposal.

It is to cede all the public lands to the States in which they lie, and hold those States debtors to the national treasury for a price, a little more than nominal, to be fixed by law, and suited to the generosity of a parent towards a child. It assumes, that this property belongs to the nation, and not to the States, and that the new States have a natural right to their own soil. Of course, all the thirteen original States, and some others, would be cut off at once from *their* rights, and from all benefit, except so far as the national treasury might get something, an event not very certain, if the new and favored States should take it in their heads to repudiate, or ask to be discharged. Not to speak of the injustice, the *fraud* of such a measure towards the States which fought the battles of the Revolution, and which have ever been accustomed to think, that the public domain was one of the things bought with their blood and treasure, suppose the States so munificently endowed, at such vast expense of the old States, should at any time refuse to pay the *nominal* purchase-money—Who and what power is to collect it? And what would be the consequence of enforcing collection? The Nullifier might indeed be a *breeder* of nullification, and the feeling left behind by such a measure would be ill calculated to secure domestic harmony.

#### § 16. Mr. Jefferson on Internal Improvement.

Mr. Jefferson, in his annual Message of 1806, after noticing the rapid liquidation of the public debt, and the prospect of surplus revenue not far ahead, says :—

“The question now comes forward—To what other object shall these surplusses” (anticipated) “be appropriated, and the whole surplus of imposts, after the entire discharge of the public debt, and during those intervals when the purposes of war would not call for them? *Shall we suppress imposts, and give that advantage to foreign over domestic manufactures?* On a few articles of more general and more necessary use, the suppression will doubtless be right; but the great mass of the articles on which impost is paid, are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the *great purposes of public education, roads, rivers, canals, and such other objects of public improvement*, as it may be thought proper to add to the constitutional enumeration of Federal powers. By these operations, new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their Union cemented by new and indissoluble ties.”

It will be seen, that this plan of Mr. Jefferson, for the application of surplus funds, is more enlarged and more comprehensive, than has ever been proposed from the Executive Chair. As, in his opinion, it surpassed the powers of the Constitution, he earnestly proposed such alterations as might be required to embrace these objects. It will further be observed, that Mr. Jefferson appears here, not only as a staunch advocate of the doctrine of *protection* by a tariff of duties, but makes an appeal to the *patriotism* of those who pay duties on luxuries for that object, to make them satisfied with their continuance. [See Tract No. III., page 5, for further views of Mr. Jefferson on protection.]

#### § 17. General Jackson on Internal Improvements.

In his annual Message of 1830, is the following passage, being part of a labored argument on the subject :—

“It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest, in relation to improvements within such States. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct such improvements of a general character as the States concerned might not be disposed to unite in, and the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of the inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the Confederacy is founded on the prosperity and power of the several independent sovereignties of which it is composed, and the

certainly with which they can be brought into successful active co-operation through the agency of the Federal Government."

Nothing can be more manifest, from this and what we have before quoted, than, that General Jackson was a Land-Distribution and Internal Improvement man "at heart;" but Mr. Clay had taken the lead, and General Jackson was not a man to follow. He wanted to come at the same ends, by different routes; or he would follow up an endless labyrinth, instead of the open and public highway. That he favored Internal improvement and Distribution, no one can doubt. The above-cited passage, and other things of the kind in his messages, together with his almost recognition of the rights of the States in the public domain, as before shown, in our opinion, had more influence in securing his second election, than has usually been supposed. These two great objects have ever been popular, when put to a fair and unembarrassed issue. Internal Improvement was arrested only by the *regal* power of the Constitution, THE VETO, when the voice of the nation, of the people, of the democracy, was in its favor; and the Distribution policy has never been put to the test in the *democratic* branch of the Government, that is, in Congress, but that a large majority has uniformly sustained it. If we are rightly informed, the Legislatures of *twenty-two*, out of twenty-six States, have formally addressed Congress, or otherwise instituted action, in favor of it. Kingly power alone, in defiance of the popular will, has obstructed these great measures, for the largest part of one entire generation.

### § 18. *The Extent and Value of the Public Domain.*

The public lands unsold on the 31st of October, 1843, as certified by the Commissioner of the General Land Office, were 1,042,731,765 acres, which, at the minimum price fixed by law, would amount to 1,303,414,706 (*one billion, three hundred and three millions, four hundred and fourteen thousand, seven hundred and six dollars.*) [See Ho. Doc. 296, 3d sess., 27th Cong., page 238.]

### § 19. *Apportionment of the Value of the Public Lands to the States and Territories, estimated according to the present Federal Representation.*

If we apportion the above sum of \$1,303,414,706, the estimated value of the public lands, to the States and Territories, according to their right of representation in Congress, allowing one representative to the District of Columbia, the respective amounts which each State and Territory would be entitled to, will be as follows:—

Maine will be entitled to.....	\$42,045,635	Kentucky.....	\$56,060,847
New Hampshire.....	28,030,423	Tennessee.....	60,732,584
Massachusetts.....	56,060,847	Ohio.....	107,449,957
Rhode Island.....	18,686,949	Louisiana.....	28,030,423
Connecticut.....	28,030,423	Indiana.....	56,060,847
Vermont.....	28,030,423	Mississippi.....	28,030,423
New York.....	168,182,542	Illinois.....	42,045,635
New Jersey.....	32,702,161	Alabama.....	42,045,635
Pennsylvania.....	121,465,169	Missouri.....	32,702,161
Delaware.....	14,015,211	Arkansas.....	14,015,211
Maryland.....	37,373,898	Michigan.....	23,358,686
Virginia.....	79,419,534	Florida Territory.....	4,671,737
North Carolina.....	51,389,110	Wisconsin ".....	4,671,737
South Carolina.....	42,045,635	Iowa ".....	4,671,737
Georgia.....	46,717,372	District of Columbia.....	4,671,734

The cents and smaller fractions are dropped in this copy, which would make the footing a trifle less than the aggregate from which the apportionment is made.

### § 20. *Average Annual Proceeds of the Land Sales.*

The average annual and net proceeds of the sales of the public lands, from 1830 to 1840, inclusive, eleven years, were \$6,964,459, those of the whole period being \$76,609,059; as appears from the Treasury accounts. In the former part of this period, the increase of the sales was gradual, and may be considered healthful. About the middle of it, they rose to an unprecedented and unnatural amount, the proceeds of 1835 being \$14,757,600, and those of 1836, \$24,641,979, from which time they gradually fell off, till, in 1840, they had sunk to \$3,292,220, having started, in 1830, at \$2,329,356. The disastrous history of the twelve years Destructive Dynasty, which first inflated and then destroyed general credit, will account for this. As the land sales from 1828 to 1831 were considered moderate, showing an average annual increase of 23 per cent., as appears by Mr. Clay's report to the Senate in 1832, that is, more than doubling every five years, it may perhaps be assumed that the average annual proceeds, from 1830 to 1840, as above stated, are not very much, if at all, in excess of a natural and prosperous state of things, at the present period of our history, under a good

administration of the Government. Doubling the income every five years on \$2,329,356, which were the net proceeds of 1830, those of 1840 would have been \$9,317,424. As the annual sales are now gradually increasing again, it can hardly be many years, if the country should recover its fair condition of prosperity, before the proceeds from sales of the public lands will rise to *ten millions* a year. Be it more or less, *five, or seven, or ten millions*, it can not fail to be a very handsome and convenient sum, annually increasing, to be distributed among the States, according to their Federal representation. Assuming either of these, or any other given amount of annual proceeds, with a table showing the representation in Congress, to which each state is entitled, Senators included, it will be easy for any person to work out the respective annual distributions among the States, if the General Government shall finally award to them their just claims. When the proceeds shall be *eight millions* a year, the distribution for such year will be as follows:—

Maine.....	\$257,706	Kentucky.....	\$344,086
New Hampshire.....	172,040	Tennessee.....	372,759
Massachusetts.....	344,086	Ohio.....	659,498
Rhode Island.....	118,279	Louisiana.....	172,040
Connecticut.....	172,040	Indiana.....	344,086
Vermont.....	172,040	Mississippi.....	172,040
New York.....	1,032,258	Illinois.....	257,706
New Jersey.....	200,716	Alabama.....	257,706
Pennsylvania.....	741,936	Missouri.....	200,716
Delaware.....	86,021	Arkansas.....	86,021
Maryland.....	229,356	Michigan.....	143,369
Virginia.....	487,455	Florida.....	28,673
North Carolina.....	315,412	Wisconsin.....	28,673
South Carolina.....	257,706	Iowa.....	28,673
Georgia.....	286,738	District of Columbia.....	28,673

When the annual proceeds shall rise to *sixteen millions*—they have been over *twenty-four millions*—*double* the above apportionments respectively, and they will be the quotas of distribution.

### § 21. Debts of the States.

In a report of the Secretary of the Treasury to Congress, 1842, compiled from official returns he had been instructed to invite, we have the following statement:—

Maine (indebted).....	\$1,734,861	Florida.....	\$4,000,000
Massachusetts.....	5,424,137	Tennessee.....	3,189,166
Pennsylvania.....	36,336,044	Kentucky.....	3,085,500
New York.....	21,797,267	Michigan.....	5,611,000
Maryland.....	15,214,761	Ohio.....	10,924,123
Virginia.....	6,994,307	Indiana.....	12,751,000
South Carolina.....	5,691,234	Illinois.....	13,527,292
Georgia.....	1,309,750	Missouri.....	842,261
Alabama.....	15,400,060	District of Columbia.....	1,316,030
Louisiana.....	23,985,000	To these may be added,	
Mississippi.....	7,000,000	North Carolina.....	1,050,000
Arkansas.....	2,676,000		

The sum of these debts is a small fraction less than *two hundred millions*. In the lapse of two years some of them have been increased, some diminished, and others more correctly ascertained; but the sum total is supposed not to vary much from \$200,000,000. Most of them having been contracted for internal improvements, there is of course, to some extent, a *quid pro quo* in the hands of these States. The public works of the State of New York, for example, are much more than a balance for her indebtedness, and abundantly capable of liquidating the debt. Those of Pennsylvania will pay a part of the interest, and several of the States are able, not only to provide for the interest, but to manage the principal, though in most cases burdensome, while others do not, and a few can not pay even the interest. The spectacle, as a whole, presents a great and difficult political problem, in the question, How are these debts to be got rid of? The country can never be restored to a prosperous condition till this problem is solved.

### § 22. Who plunged the indebted States into these Difficulties?

We aver that it was done, and *all done*, by the action of the General Government. 1. By withholding from them the proceeds of the public lands since they became due, on the conditions of the trust. In House Document 296, 3d session, 27th Congress, pages 475 and 476, it is shown, from the books of the General Land Office, that the amount of proceeds

due to the States, Sept. 30, 1840, on account of the public lands, in the faithful execution of the trust, was \$142,018,766. This alone, distributed according to Federal representation, would have rescued the indebted States from all their embarrassments. 2. By instability of national policy, legislation, and government. It can not be denied that General Jackson was in favor of internal improvements, and that he proposed and recommended to supply the States with funds out of the national Treasury for that object. See the passage we have already cited from his Message of 1830, and other like things in his official documents. Observe his order to loan the Deposites. The announced policy of the Government at that time, as well as its acts, stimulated credit and enterprise in the States and everywhere. The projects of the States for internal improvement, were first suggested and prompted, and were fully authorized, by the General Government, and that Government proposed to supply the funds. Contemporaneously, Senator Wright said in his place, that "he was not afraid to recommend such an investment of the national funds, as the States would issue as many bonds as the Government might choose to buy." Verily, was not all this *prompting, and a sufficient warrant*? The States, instead of acting rashly, only conformed to the leadings of the General Government. But, as we all know, by sad experience, the General Government did not persevere in this policy, but, after having seduced the States into these projects and great expenditures, and tempted the whole country to extravagant enterprise, it turned short about, upset the States, upset the nation, upset everything! Who, then, we ask, is responsible for this wide-spread ruin, these frightful and long-protracted calamities of a great nation?

In coincidence with these suggestions, observe the history of the State debts. In 1830, when President Jackson so fully propounded his scheme of internal improvement by setting the States to work, and supplying them with funds out of the national Treasury, the whole amount of the State debts was only \$6,976,689; while the increase from 1830 to 1840, under the stimulus of these encouragements, amounted to \$178,409,084! of which \$87,366,010 took place in the defaulting States. [House Doc. 296, 3d sess., 27th Cong., page 47.]

### § 23. *What, therefore, is due to the States.*

We will not pretend to say what *else* ought to be done in such a case, but we think the States, and the people of the States, will expect and require that the original covenant between the States and the United States, respecting the public lands, should now be "faithfully and *bona fide*" executed. So zealous, so intent, so emphatic, were the parties of one part, in respect to the importance and sacredness of this compact, that they were not content with the qualifying word "*faithfully*," to express its obligations, but they put in the still stronger words, "*bona fide*," in good faith. If it were possible for any one to doubt the character of this instrument as a TRUST, by the terms in which it is constructed, we have the opinion of the Chief Justice of the United States, John Marshall, before cited, acting in his high judicial capacity, himself bearing testimony to its very special importance *as such*. Since, then, the case is so; since the States, in the adoption of the Constitution, resigned forever their power over revenue by imposts; since they acquired their title to the public domain by their own blood and treasure, while acting as independent sovereignties, under the Articles of Confederation; since, for purposes of harmony and general good, and in all good faith, they put this great estate in the hands of a common TRUSTEE, composed of representatives from themselves, acting under their authority; since the conditions of that trust, in giving its avails another direction than to the hands of the original parties, have long since been fulfilled, imposing the duty of rendering the proceeds of the property to its rightful owners; since the Government of the United States, by its own action, invited the States into expensive projects of internal improvement, more beneficial to the Union than to the States themselves, promising the States, or giving them good reason to expect, the aid of the public funds, it *can not* be deemed unreasonable, that the States should require and demand what is their own, to help themselves out of the difficulties in which the General Government has involved them by a violation of its faith. No favor is asked. It is simple JUSTICE.

### § 24. *The Prospect of a Surplus National Revenue.*

The Tariff of 1842 is doing wonders for us, and under the present rate of its operation in the increased production of revenue, we shall soon have another surplus in the national Treasury. The annual revenue is more than doubled by this measure. The protection given to our labor, industry, and productions, has relieved the country suddenly, and restored it to a condition of comparative prosperity, though it will take years, under this same beneficent ACT, to get back to the place from which we were cast down by the Destructive Dynasty.

Suppose, then, that we go on under the present Tariff, it would not be strange, with a realization of present prospects, if, in five years, we should be able to spare from the national Treasury to the States, from imposts alone, *twice* as much as was voted in 1836. The amount of that, as determined by the Act, though it was not all realized, was \$37,468,859.

Double of this would be \$74,937,718. We take this sum, merely because it is more convenient to make out an apportionment, by doubling one already made to our hand for the half of it. To avail ourselves of this, however, we are forced to assume, as a rule of distribution, the Electoral Colleges of the period from 1830 to 1840. The distribution, by this rule, would be as follows :—

Maine .....	\$2,548,902	South Carolina .....	\$2,803,792
New Hampshire .....	1,784,230	Georgia .....	2,803,792
Massachusetts .....	3,568,462	Alabama .....	1,784,230
Rhode Island .....	1,019,560	Mississippi .....	1,019,560
Vermont .....	1,784,230	Louisiana .....	1,274,450
Connecticut .....	2,039,120	Missouri .....	1,019,560
New York .....	10,705,388	Kentucky .....	3,823,352
New Jersey .....	2,039,120	Tennessee .....	3,823,352
Pennsylvania .....	7,646,706	Ohio .....	5,352,694
Delaware .....	764,670	Indiana .....	2,294,010
Maryland .....	2,548,902	Illinois .....	1,274,450
Virginia .....	5,862,474	Arkansas .....	764,670
North Carolina .....	3,823,352	Michigan .....	764,670

Adopting the present Federal representation as the rule of distribution, this apportionment would vary somewhat. The quotas of Pennsylvania, and of some other States, would be increased, some would be diminished, and the relative proportions in a slight degree changed. It will be obvious, that the Territories should come in for a share. The object of this exhibit is merely to give a notion of something *like* what may be reasonably expected, from time to time, as occasion may require, provided we can once obtain a good government, maintain a suitable Tariff, and fully restore the prosperity of the country. This is no dream, but founded on the history of the past. Under a Tariff adequate to a fair protection of the interests of the country—fair as doing *relative* as well as *positive* justice—we could not fail soon to have a large annual surplus from the impost revenue and land fund, sufficient to answer all the purposes of the present public debt, if it be proper to call the State debts public. The reasons why these debts are proper to be considered in our national policy, are, *first*, because they affect our national interests, and can not be separated from them; *next*, because the General Government is bound by compact, as Trustee, to administer the estate of the public lands for the “sole use and benefit of the States, faithfully and bona fide,” since the lands are “relieved,” as General Jackson says, “from the original pledge;” *thirdly*, because many of the States require the relief which such an administration of the lands would give them; *fourthly*, because all the States would be benefited; and, *fifthly*, because the *United States* would be equally benefited. The States, even the most indebted, have no occasion to ask what is not due to them.

It is quite immaterial, however, whether the distribution be made on Mr. Jefferson’s and General Jackson’s principle of *expediency*, for national objects, or as a debt due the States on account of public lands. We have seen there is a balance yet behind of *one hundred and forty-two millions*, which, together with those annually accruing, will abundantly answer all the necessities of the States.

#### § 25. *The great National Objects to be promoted by Distribution.*

Jefferson and Jackson, in the documents already referred to, have reasoned this matter out so well, that little is left for others to do. It is true they did not base their argument so much on the *right* of the States to the proceeds of the public domain, as on the *expediency* of the measure they proposed for great national objects; and professing to have scruples, and to respect the scruples of others, on the Constitutional question of Internal improvements, on such a large scale, by the General Government, they proposed to travel *round* this difficulty, and accomplish the same great and important end—Jefferson, by amending the Constitution, and Jackson by setting the States to work, and endowing them with the surplus funds of the national Treasury for that object. Now, it happens, that much of this work is already done by the indebted States, which has been the occasion of their debts. Acknowledge their claim to the proceeds of the public lands, in the past and in the future, and let them be distributed, and these debts will be provided for, while the non-indebted States will doubtless use their respective quotas, for the most part, in promoting the same great national objects. They have only to follow out the hints given in General Jackson’s Message of 1830. The work is there projected. And they would most naturally do it; for as General Jackson says: It may be safely assumed, that the public works which are best for the States, will be best for the Union.

#### § 26. *The probable Effect of Distribution on Public Credit.*

The whole world is watching to see, whether the General Government will *relieve* the States, and nothing is required but to give the States their own. As things now are, as they

were fixed by the twelve years' Destructive Dynasty, and finally sealed by the present Chief Magistrate, in his Veto on the first Tariff bill of 1841, notwithstanding that he strongly recommended Distribution in his message, the indebted States are prostrate, and some of them can never rise again, without help from some quarter. It is *known*, that such is their helpless condition. Nobody expects they will ever be able to pay, without the proceeds of the public lands. But secure to them this *RIGHT*, of which they have so long been wrongfully deprived, and the *VERY NEXT HOUR* their credit would spring up from the grave, in which it has been rotting, and the world, which has assumed to rebuke and reproach them, as is always the fate of insolvent débtors, would take them again to the arms of its confidence and affection.

We know that the present proceeds of the public lands will not be a full relief, "*per se*," to the States which are most indebted; but it will be *some* help, and that will be augmenting every year. Their greatest need, in the present juncture, is a *foundation and warrant of credit*. Settle the land question, as justice requires, ordain a distribution of the annual proceeds among the States, according to their Federal representation, fix it so that the public, the world, may *rely* upon it, as an arrangement not to be disturbed, and it is a sufficient foundation for all the credit that is required, and many times more. Not only so, but it would probably enable the indebted States to fund their obligations, so far as occasion should require, for one half the interest they are now charged. The indebted States, the other States, the whole Union, would spring to their feet again, go to work with the joy of hope, and the world would smile on our prosperity, and confide in it.

#### § 27. *There is now no Apology for not doing it.*

The Tariff of 1842 is pouring into the national Treasury more money than is wanted, and if it is permitted to continue, it will not be long, so far as the ordinary expenditures of the Government are concerned, before we shall have a *surplus* in the Treasury. That will not be a bad time to begin to pay the *one hundred and forty-two millions* due to the States, before noticed, as a balance *accrued* on account of the public lands. Then the indebted States might *pay up*, sustain and perfect their public works, and the *non*-indebted States might cross their territories with canals and railroads, as might be judged expedient. The remarks of General Jackson, as cited by us, page 7, section 17, are pertinent to this point. General Jackson was there proposing to appropriate funds out of the national Treasury for this object, and to constitute the States as *agents* to carry the plan into effect. It was very well said. We are glad to embrace such reasoning, coming from such a quarter, believing, that it is as well entitled to have weight with us, as with the somewhat warmer and more unequalled friends of General Jackson. On this platform, we would most heartily co-operate with those, who claim to be "*State-Rights Men*," and who have wasted as much declamation upon this topic, as they have on "*Democracy*," as if born to the name, at the same time that they have been doing *all they could to destroy* the States, as to their power and independence, and to build up and fortify a *regal* power in the White House, at the expense and with the sacrifice of true republicanism. We go for "*State-Rights*," in the *rights* of the States, and that is what we understand by it. We go for the *practical*, not for the *abstract*—for the *real*, not for the *visionary*. He who denies to the States the *right* to the proceeds of the public domain, we will *never* allow to be a "*State-Rights*" man. It is a contradiction *in terms*. The whole and inevitable tendency of the Anti-Distribution policy, is, *to concentrate power, to cripple* the States, and to fortify the Federal arm in acts of oppression and violence. This is one form of *Federalism*, and such are *FEDERALISTS*. [See Tract No. VI., on Democracy.]

#### § 28. *The Effect of Distribution on the Sales.*

We assume, after what has been said, that Distribution is indispensable to the complete restoration of State and national prosperity. The indebted States can never rise without it; the others will feel the effect of the embarrassment or bankruptcy of their neighbors; and the States, in this position, will hang like a mill-stone on the neck of the United States. Consequently, this state of things, so long as it lasts, will be a great check to that spirit of enterprise, which is required for the purchase and occupancy of the vacant lands. In addition to this, and a greater obstacle still, the more desirable unoccupied lands lie in States most oppressed with debt, and few people will go where they will be liable to such a heavy burden of taxation. But take away these obstacles by Distribution, and the sales will increase with great rapidity, with the revival of general credit, and the credit of the States where the unoccupied lands are situated. Indiana, Illinois, and Michigan, must inevitably remain very nearly *in statu quo*, while unrelieved by Distribution; but give them this, and they would spring forward in a new and rapid career at once. The same may be said of other western States, and of the Territories. The consequence of this would be a rapid increase of the *proceeds* of the sales, and of the benefits to the States to be derived therefrom.

### § 29. *The effect of Non-Distribution on Legislation.*

So long as reliance is placed on the proceeds of the public lands as a part of the national revenue, so long will the Tariff regulations be *fluctuating*, than which, a greater commercial evil could scarcely be entailed on the country. The annual net proceeds from the sale of public lands, between 1830 and 1840, ranged from *three millions to twenty-four millions*. The operation of the Tariff of 1842, shows, that the proceeds of the lands will not be wanted by the General Government, so long as this Tariff lasts, and that there will soon be a surplus in the Treasury from the Tariff alone. Distribution, therefore, is now demanded, as well for the *STABILITY* of our Tariff regulations, as for reasons before given.

### § 30. *The Attempt to Repeal the Distribution Act of 1841.*

It is true, that Mr. Tyler's Veto of the first Tariff bill of 1841, rendered that Act *inoperative* for the present. Nevertheless, it remained a law, and only required the repeal of the restrictive clause, to give it immediate, permanent, and full effect, for *five years*, except in case of war; and the effect of this exception would tend very much to prevent war. But the wanton attack, made by the House of Representatives of the present (28th) Congress, on the Distribution law of 1841, and the fury with which they carried the repeal bill through that body the very day it was reported, by a strong party vote, under the previous question, evinces the deadly hostility of that party to such a measure, and their determination, that it shall never stand or be a law. Though no observing man doubted their sentiments before, yet this decided action shows the country what may be expected from that party on Distribution, as well as on the Tariff, both of which they are resolved to crush.

### § 31. *The Purchased Lands.*

It is true, that all the territories falling under the purchases of Louisiana and the Floridas, have been acquired as the property of the United States in their federal capacity. The principles of Mr. Jefferson and General Jackson, however, as recognised in these pages, are sufficiently broad and comprehensive, if they should be approved, to answer all the purposes of the States, in the existence of surplus funds in the national Treasury, which is sure to result from a good Government, except as it may be interrupted by the expenses of war. It will only be necessary to apply that power of the Constitution, Article IV., Sec. 3, which Mr. Van Buren, in his letter to Sherrod Williams, calls "*an express provision*,"—"ample authority," and which reads as follows:—"Congress shall have power to dispose of, and make all needful rules and regulations respecting the *territory*, or other property, belonging to the United States," &c.

### § 32. *Alleged or Supposed Conflicting Interests of New States with Old States.*

It is fortunate that the time is nearly, if not quite gone by, when some effect could be produced by telling the new States, "*Claim the public lands in your own limits, and you can get them*." This, certainly, could not easily be shown to be a very *honest* recommendation. Since, however, this seductive bait was thrown out in the "counter report" to the Senate, on the public lands, in 1832, and industriously propagated in other forms, it has been discovered by the new States, that a joint interest with all the other States, in a public domain of more than a *BILLION* of acres, is a richer inheritance than all they can find of public lands in their own bounds. Possibly, there may be two or three States that would like to have all those parts of the public domain which lie in their respective jurisdictions; but we doubt, whether any would be very fierce for it, when, by seizing upon or accepting it, they sacrifice all right and claim in the public lands *exterior* to themselves. They know, that the General Government has been generous to them, in its grants and bonuses for a variety of objects and considerations, and they have ceased to be influenced by another suggestion thrown out in the "counter report" of 1832, viz: that all the money paid for public lands is *drawn* from the States in which the purchased territory lies. It is seen, that the money, so applied, comes from *other quarters*, does not belong to the new States, and was never *there*, till carried by immigrants, and a part of it is disbursed on the spot by the expenses of the land offices. There is an *acquisition* in all such cases to the wealth of the new States, by the introduction of additional power to produce it; but nothing belonging there is taken away. Immigrants also, for the most part, have money left, after paying for their lands. The older States may be injured by the loss of their inhabitants and *labor* power, and to some extent are so. The money, of course, is drawn from those States which the immigrants came from, and is scattered over the Union. In 1832, it was stated, in a report to the Senate, that the greatest emigration was from the States of Ohio, Kentucky, and Tennessee. The fear of collision, therefore, between the new States and the old, on this account, has chiefly subsided, as every new State almost instantly becomes an *old* one, as to its interest in the public domain.

Mr. Clay, in his speech on the public lands, 1832, after having alluded to the *concessions* of the new States as to the rights of all the States over the public domain, by the action of the former in various modes, says:—"The existence of the new States is a falsehood, or the right

of all the States to the public domain is an undeniable truth. They" (the new States) "have no more right to the public lands within their particular jurisdiction, than other States have to the mint, the forts and arsenals, or public ships within theirs, or than the people of the District of Columbia have to this magnificent Capitol, in whose splendid halls we now deliberate."

Mr. Clay concludes this speech as follows:—"Among the ties which bind us together, the public domain merits high consideration. And if we appropriate, for a limited time, the proceeds of that great resource, among the several States, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The States will feel and recognise the operation of the General Government, not merely in power and burdens, but in benefactions and blessings. And the General Government in its turn, will feel, from the expenditure of the money which it dispenses to the States, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that, preserving the regulation of it by the will of the whole, for the advantage of the whole, it may be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come."

### § 33. *Federal Power as opposed to State Rights.*

It will be seen, that, never, in the history of this country, has so flagrant a violation of the rights of the States been planned and systematically carried on, as in the attempt of the Federal Government, for a long course of years, to rob the States of their interest in the public lands. Every possible artifice to conceal the truth, or to obscure, mystify, and cloud what could not be concealed, and every muscle of the Federal arm, has been employed to defraud the original parties that created this republic, of the rich inheritance which they purchased with their blood and treasure: as if it were not enough for the States to give up the right of raising revenue by imposts, but advantage is taken of a *sacred trust*, to deprive them of their last and only heritage for sustaining their political powers. Prompted by the Federal authorities, they have done the work of those authorities, and then, when they have need of the wherewithal to pay for it, they only ask the proceeds of their own estate, and it is refused! As if it were not enough to rob, the insatiate appetite calls for the blood of its victims! The unnatural parent strangles her own children! Does not every one know, that the States can not subsist, unless they are relieved? And what power stands in the way of their relief, but the Federal Government? And by what means is it done, but by wrong? Have we not reason to fear a power, that is so fraudulently, so oppressively, so tyrannically exercised—whose tender mercies are cruelty? Crying "*State Rights*," they rob the States of their *dearest* rights! Preaching "*Democracy*," they wield the most hateful power of kings! It was by the munificence of the States, that the Federal Government was enabled to stand, and the prodigal gifts, bestowed in the form of a *trust*, are employed to crush the givers!

### § 34. *The Unity of the Union.*

One would think, that they who deal in *abstractions*, had discovered at last, how every State of this Union can be utterly ruined, and the *United States* be in a prosperous condition—that just in proportion as the States are in debt, in trouble, and perishing, the *United States* are enriched, happy, and farther removed from danger! How is it possible otherwise to account for their persistence in an apparent determination to *crush* the States, by an obstinate refusal to consider their helpless condition, and do an act of simple justice? But the fact is, and must necessarily be so, that the non-indebted States sympathize, politically and commercially, with the distressed condition of the indebted States, and this effect is unavoidable, by the nature of their alliance and companionship. If one suffers, all suffer. They are all at sea in the same boat, and if half go down, they must all go, unless, peradventure, the stronger shall throw the weaker overboard, and even then it would be difficult to cut the ties which bind them together. And what is this thing called the *United States*, that it should lift up its head on high, take on itself such airs of independence, mock at the misery with which it is surrounded, and think itself not at all concerned in it?—Has it never considered, that it is only a head, resting on the shoulders of a body?—that it partakes of the same vitality, is nourished by the same aliments, breathes the same air, in the use of common organs, and is nothing, and can do nothing, without the body?—that its pride, glory, and power, are sustained, and its purse supplied, by the hands and arms, the muscles and sinews, on which it looks down?—that in the pains of the body, itself must suffer, and if the body dies, itself will die? That abstraction of mind, which revels in dreams and visions, may do very well for a philosopher in his closet, who chooses to have nothing to do with the world, and who could blame nobody else, and possibly might hurt nobody else, if, in some fatal ex-



periment, he should blow himself up there. But, to sever a head from a trunk, without harm, is a nicer operation than surgical skill has yet attained to. But, this thing, called the *United States*, seems to think it possible for the head to live *independent* of the body!

### § 35. *A blind and heartless National Policy.*

Nothing could be more stolid, than that Federal policy, which sets up the theory, and acts on it, that the Federal Government has nothing to do, but to take care of itself. It is alike unpatriotic and treasonable to a high, most responsible, and vastly comprehensive trust. They who separate the interests of the Union from those of the States, undertake to perform a miracle; and those in power, who say, let the people take care of themselves, and the Government will take care of itself, are Sub-treasury men, and fit only for a despotism. They have no heart, and no sympathy for the common lot of mankind. Most of all are they unfit for a democratic state of society, and most unfriendly to it.

### § 36. *The Principle of Sub-Treasury.*

That is what holds on so tightly to the public lands as Federal property. It seeks, in all manner of forms, to strengthen Federal power, at the expense of the States, and to the injury of all minor interests. The earliest and most remarkable instance of *Sub-treasury* in history, and the most graphic picture of the system, is found in the 47th chapter of Genesis, from the 15th to the 26th verses, under which the treasury of Pharaoh first swallowed up all the money of the people; next, their cattle were taken; then, their lands; and last of all, they sold themselves into perpetual bondage, to render to Pharaoh, in perpetuity, *one fifth* of the products of their labor; and they remained in slavery for ever afterward. When Spain exhausted the mines of South America, and in the end drew forth more than a *thousand millions* of bullion into the royal coffers, it was all done by *sub-treasurers*, while the people were taxed, worn out, and kept under. *Sub-treasurers* are always in favor of *direct* taxation, and that is the only way to maintain the system. Rome was free till the system of *sub-treasury* was introduced. So was it in Greece. So has it been in every country that has lost its freedom. The peculiarity of a *sub-treasury* system is, to separate the Government from the people, to raise it above them, to make it *independent*, and to make the people *dependent—slaves*. There is no sympathy between the parties, but a necessary and perpetual hostility of interests. The doctrine of true democracy is, that what is good enough for the people, is good enough for their governors; that the currency which will do for one party, must answer for the other; that *direct* taxation should be a last, and only a necessary resort; and that government has no rights except such as are derived from the people, and is set up to *serve* the people, not to be served *by* them.

### § 37. *The Obligations of Patriotism.*

We dislike to give a reason for doing an act of justice that is foreign to its claims. But here is the remarkable spectacle of a number of the States of this Union, with a mill-stone about their necks, tied on in the way and by an agency as we have described, hanging over an abyss, and if they fall in, are sure to carry with them all the other States and the United States. They can not be ruined alone, but will have companionship in their fall. When the States which were possessed of the public lands by charter rights, saw it was necessary to divide the interest with the other States, who were fighting side by side with them for freedom and for this great estate, and when they saw it was necessary to bind the sacrifice on the altar of the patriotism of that day, *they did so*, and left it in charge of the Agents of the Confederation, *pledged* to redeem the debts of the war, and then to be used for the common good of the parties, who carried the nation through the struggle by their joint efforts and sacrifices, and of such other members of the family as might come in afterward. It was a great, generous, noble, patriotic sacrifice—worthy of the men and of the time. After the war, as soon as the debts of the States and the nation could be conveniently ascertained, they were found to be about *eighty millions of dollars*, on about *three millions* of people, with an annual revenue from all quarters of less than *two millions and a half!* In this position of the Confederacy, the public lands, which had been so generously given up for this object, and only for this, were the pledge and anchor of public credit. *But* for this, there is reason to believe that the Republic, so loosely bound together, though victorious, would have been dissolved into worthless fragments. At the close of the second war with Great Britain, we shouldered a public debt of *one hundred and sixty-eight millions*, and paid it all off in *seventeen years*. But *now*, with no national debt worthy to speak of, with *eighteen millions* of people, with capabilities and resources unlimited, with from *thirty to forty millions* of revenue by imposts, with a land revenue, soon to rise perhaps to *ten millions*, and with an annual expense of Government not exceeding *twenty millions*, we dare not look in the face a debt of some *two hundred millions*, which happens to be saddled chiefly on about half of the States! Approach it we must, or *it will come to us*. There is no escape, nor should patriotism desire it. For the most part, we have had the *quid pro quo*, and are every day reaping the benefit

of it. This *quid pro quo*, take it as a whole, and properly used, is itself well nigh, if not quite, sufficient to pay the debt. So far as it consists in public improvements, the national benefit is incalculable, and the chief one. [See General Jackson's Message of 1830.] In a time of war, it might, and very probably would happen, that their worth for national uses, in the movements of armies, artillery, ammunition, and baggage, and in maintaining an easy and rapid communication between our public marine on the Atlantic and on the lakes and rivers, would exceed the entire cost of them all. But no matter for that. Their national value in a time of peace is immense. Nor is even this worthy of consideration, if we look at the justice of the claim. The public lands saved the nation once, and carried a far heavier, many times heavier debt, in proportion to our population and means, than that which they are now invoked to be pledged for; and it happens that they are the property of the present *debtors*; whereas, in the former case, the *owners*—now the *debtors* requiring relief, but still owners—freely gave them up, for a season, to pay the debts of *others*, and pledged them to the last farthing. The object was finally accomplished; but the Trustee, having taken a liking to the charge, chooses to hold on to it, and to use the avails by fraud, while the lawful proprietors are sinking under bankruptcy! Oh, patriotism! whither art thou fled?

§ 38. *The Discouraging and Ruinous Effect of Commercial Dishonor in a State or Nation.*

“Private credit is wealth; public honor is security. The feather that adorns the royal bird, secures him in his flight. Pluck him of his plumage, and you fix him to the earth.”

The plumes which the world had allowed to stand in our cap, and which the world had admired, have been plucked and trampled under foot. While other nations can borrow money at 3 per cent., a public agent of our Government returned from Europe a year ago, having been everywhere refused a loan at 6 per cent. No nation that has claimed and been permitted to stand up on a footing of equality with the family of nations, in honor, credit, influence, and power, can stand a repulse of this description. It is a blow that strikes all and everything that belongs to us. “It fixes us to the earth.” Abroad, our citizens are forced to blush at what they see and hear. Once courted and cherished in foreign parts, they are now shunned, and the finger of scorn is pointed at them. At home we are ashamed, and filled with self-reproach. And what is the cause? IT IS BECAUSE OF THESE STATE DEBTS. State bonds have been *protested*, and some have been *REPUDIATED*, by State authorities!

Besides the mortification, the dishonor operates more to our commercial disadvantage as a nation, in a single year, than the whole amount of the debt. As it is with an individual who has lost his credit, so is it with a nation. Neither can trade, but with great sacrifice, directly and indirectly. In Senate Document, No. 340, 2d session, 27th Congress, it is shown, that our domestic trade amounts to \$2,000,000,000 (*two billions*) a year, and our foreign trade, including exports and imports, rarely falls below \$200,000,000. It is stated, in House Document No. 296, 3d session, 27th Congress, that at that time, we were losing, in prices and by a bad currency, an average of 20 per cent. on the whole of our trade. Abate this loss *fifty per cent.*, or one half, and can it be doubted that, in our peculiar position of bad credit, and in the embarrassments arising therefrom at home and abroad, the loss on the whole of our trade (\$2,200,000,000) would average 10 per cent.? If such be the fact, the entire loss amounts to *two hundred and twenty millions annually*, being *twenty millions* in excess of the whole amount of the State debts! In addition to this, we are paying 50 per cent. more interest on our debt, than would be demanded of us, if our credit were good, which is equal to a funded debt of a *hundred millions* at a fair per cent. There is yet another consideration in the decline of the value of all kinds of property, through which the country has passed, and which can hardly be estimated for the vastness of the amount. [See Tract No. II, page 16.] Such are the *commercial* disadvantages resulting from the dishonored credit of a nation.

§ 39. *Mr. Clay's and Mr. Van Buren's position in regard to Distribution.*

As certain as Mr. Clay is in favor of Distribution, so certain is it, that Mr. Van Buren would veto any measure of the kind, however strong and decided might be the wishes of the people, or the vote of Congress in its favor. The people of this country, therefore, who feel the importance of this great national measure, will be aware of the importance of their vote at the approaching Presidential Election. Nor is it less certain that the Tariff would be sacrificed by Mr. Van Buren and his party, if they should ever have it in their power. These two great and vital measures, on which hangs the weal or wo of this country, according as they shall be maintained or destroyed, are the great stake of the coming contest. Others of vast, and many of less importance, are also at stake; but none so momentous as these. The question before the nation is—SHALL THE LONG-PROTRACTED DESTRUCTIVE DYNASTY BE RESTORED, OR SHALL THE REPUBLIC BE SAVED?



