

in Missouri, and I know something of it. The Surveyor General, Col. McKee, in point of fidelity to his trust, belongs to the school of NATHANIEL MAON: in point of science and intelligence, he belongs to the first order of men that Europe or America contains. He and the clerks carry labour and drudgery to the ultimate point of human exertion, and still fall short of the task before them; and this is an office which it is proposed to abolish under the notion of a sinecure,—as an office with revenue, and without employment. The abolition of these offices would involve the necessity of removing all their records, and thus depriving the country of all the evidences of the foundations of all the land titles. This would be sweeping work; but the gentleman's plan would be incomplete without including the General Land Office in this City, the principal business of which is to superintend the five Surveyor Generals' Offices, and for which there could be but little use after they were abolished.

These are the practical effects of the resolution. Emigration to the new States checked—their settlement limited—a large portion of their surface delivered up to the dominion of beasts—the law records removed. Such are the injuries to be inflicted upon the new States, and we, the Senators from those States, called upon to vote in favor of the resolution which proposes to inquire into the expediency of committing all these enormities! I, for one, will not do it. I will vote for no such inquiry. I would as soon vote for inquiries into the expediency of conflagrating cities, of devastating provinces, and of submerging fruitful lands under the waves of the ocean.

I take my stand upon a great moral principle—that it is never right to inquire into the expediency of doing wrong.

The proposed inquiry is to do wrong, to inflict unmitigated evil upon the new States and Territories. Such inquiries are not to be tolerated. Courts of law will not sustain actions which have immoral foundations; legislative bodies should not sustain inquiries which have iniquitous conclusions. Courts of law make it an object to give public satisfaction in the administration of justice; legislative bodies should consult the public tranquility in the prosecution of their measures. They should not alarm and agitate the country; yet this inquiry, if it goes on, will give the greatest dissatisfaction to the new States in the West & South. It will alarm and agitate them and ought to do it. It will connect itself with other inquiries going on to make the new State a source of revenue to the old ones, to deliver them up to a new set of masters, to throw them as grapes into the wine press, to be trod & squeezed as long as one drop of juice could be pressed from their hulls. These measures will go together, and if that resolution passes, and this one passes, the transition will be easy and natural from dividing the money after the lands are sold, to dividing the money before they are sold, and then to eating the land and drawing an annual income, instead of selling it for a price in hand. The signs are portentous; the crisis alarming! It is time for the New States to wake up to their danger, and to prepare for a struggle which carries ruin and disgrace to them if the issue is against them.

Mr. B. alluded to the coaxing argument of some gentleman, who endeavored to carry this resolution through, by promising the Senate that the Committee of Public Lands, to whom it was to be referred, would report against it. He ridiculed this species of argument. Such an inquiry would become nugatory and idle. Why send a resolution of inquiry to be returned *non est inventus*? Why send your bucket to the bottom of a dry well? Why this perseverance for three weeks to get inquiry before a Committee who are to reject it? Surely for some purpose; and that purpose may be to gain a foot hold, to get jurisdiction, to get the subject agitating, and the refer it to another Committee that would report favorably.

He then took notice of the terrifying argument which was used to get the resolution through. It was said it would excite suspicion against us, if we did not agree to it. Suspicion of what? Prejudice of what? Explain these terms. Name the thing, foul or hidden, which the new States have to avoid in this inquiry. There is none. None can be named. It is an attempt to terrify little children and aged women, prejudice indeed! The way to avoid it, and command respect, is to shew a knowledge of your rights, and a determination to defend them.

He next adverted to the class of arguments which undertook to smuggle this resolution through, as one of the harmless or beneficial inquiries which daily passed as a matter of course. This was putting the enemy, into a covered wagon, but he would pull off the cover, and show the character of the cargo.

He again adverted upon the suggestion, that a rejection of the resolution, was a suppression of inquiry. He thought the attempt to send it off to a committee room was more like suppressing debate.

But he had no notion of letting it escape under a flash and a smoke. He would wait till the atmosphere cleared up, and then call gentlemen back to the character of the resolution, and urge them to meet him on the perniciousness of that character. He discriminated between resolutions for good and for evil; the former passed, of course, the latter should be resisted. If not, the whole country may be alarmed, agitated, and enraged, with mischievous inquiries: the South about its slaves and Indians, the West about its lands; the North East on the subject of its fisheries, its navigation, and its manufactures. What would be the condition of the Union, what the chance for the preservation of harmony, if each part struck at the other in a system of pernicious and alarming inquiries? And yet, unless the discrimination is made which I propose all this may be done. The argument used by the Senator from Alabama, (Mr. McKinley), and the Senator from Connecticut, (Mr. Foot), & others, would carry through every species of inquiry, even the most fatal to the interest, the most insulting to the pride, and most destructive to the harmony of the States.

But this resolution is not only unjust to the new States, but it is partial and unequal. It bears hard upon some, and not at all upon others. It would lock up twenty five millions of acres from sale & settlement, in the State of Louisiana, and not one acre in Ohio; it would desolate Florida, and do comparatively but little mischief in Michigan.

It is not sufficient to reject such a resolution—the sentiments in which it originated must be eradicated. We must convince gentlemen that it is wrong to entertain such sentiments—that it will be wrong to act upon them in the progress of any of our land bills. This whole idea of checking emigration to the West, must be shown to be erroneous. It is an old idea and lately brought forward with great openness of manner and distinctness of purpose. Mr. Rush's Treasury Report of 1827, placed it before Congress and the people. Since then, there has been no ambiguity about it. The doctrine has taken a decided turn. The present resolution is, in effect, a part of the same system, and a most efficient part. The public mind has laid hold of this doctrine, and subjected it to the ordeal of reason and discussion. Professor Dew in the College of William & Mary, in his able lectures, has spoken my sentiments on this point, I will avail myself of his language to convey them to the Senate.

Mr. B. then read as follows, from Mr. Dew's Lecture, page 43.

"In the second place, these Tariff measures injure the South and West by preventing that emigration which would otherwise take place. Now, this is an injustice committed upon those States, towards which the tide of emigration, sets. If there was a bounty upon emigration, then those States would have no right to complain of the adoption of any measure which might counteract the effects of the bounty; but this is not the case. It is true, the Secretary of the Treasury, in his annual report in December, 1827, thinks the low price at which the public lands are sold, operates as a bounty; but I doubt much whether government price is too low; were this the case, would not enterprising individuals, with large capitals, quickly buy Government out, in order that they might speculate on the lands, and thus raise them to their proper value? One thing is certain, that the prevention of emigration to the Western Country, is injurious to the West."

Mr. B. agreed with the Virginia professor, that the prevention of emigration to the West was an injury to that quarter of the Union. He said, farther, it was an injury to the people of the North East, who were to be prevented from bettering their condition by removal; and that it was an injury to the whole human race to undertake to preserve the vast and magnificent valley of the Mississippi for the haunt of beasts and savages, instead of making it the abode of liberty and civilization, and the asylum of the oppressed of all States and nations. He inveighed against the horrid policy of making paupers by law,—against the cruel legislation which would confine poor people in the North East to work as journeymen in the manufactories, instead of letting them go off to new countries, acquire land, become independent freeholders, and lay the foundation of comfort and independence for their children. Manufactories are now realizing what was said by Dr. Franklin forty-five years ago, "that they need great numbers of poor people to do the work for small wages, that these poor are easily got in Europe, where there was no land for them, but that they could not be got in America till the lands were taken up." These are the words of that wise man near half a century ago. The experience of the present day is verifying them. The manufactories want poor people to do the work for small wages; those poor people wish to go to the West and get land, to have flocks and herds,—to have their own field, orchards, gardens and

meadows,—their own cribs, barns and dairies, and to start their children on a theatre where they can contend with equal chances with other people's children for the honors and dignities of the country. This is what the poor people wish to do. How to prevent it,—how to keep them from straying off in this manner,—is the question. The late Secretary of the Treasury could discover no better mode than in the idea of a bounty upon non-emigration, in the shape of protection to domestic manufactures! A most complex scheme of injustice, which taxes the South to injure the West, to deprive the poor of the North East of the chance of bettering their condition! All this is bad enough, but it is a trifle, a lame, weak and impotent contrivance compared to the scheme which is now on the table. This resolution which we are now considering, is the true measure for supplying the poor people which the manufactories need. It takes away the inducement to emigration. It takes all the fresh lands out of market. It stops the surveys, abolishes the offices of the Surveyors General, confines the settlements, limits the sales to the refuse of innumerable pickings; and thus annihilates the very object of attraction, breaks and destroys the magnet which was drawing the people of the North East to the blooming regions of the West.

Mr. B. said, that he felt himself compelled, by these persevering measures, to stop emigration to the west, to recur to the early history of the confederation, to show the origin and policy of these measures, and do justice to the patriots by whom they were then defeated. The first of these measures that he would bring to the notice of the Senate, was the famous attempt about the year 1786, to surrender the navigation of the Mississippi, to the King of Spain, for a period of twenty-five or thirty years. Seven states voted for the surrender; six, beginning at Maryland and going south, voted against it. The articles of confederation required the consent of nine states to make a treaty, and therefore, the surrender was not accomplished. The Spanish negotiator, Don Gardoqui, in his communications to his court, said that the object of this surrender was to prevent the growth of the West. But it is not necessary to have recourse to foreign testimony; we have that of our own countrymen who were actors in the scene. The seal which covered all these doings in the old Congress, has since been broken; their Journals are published; and besides the evidence of the Journals, we have the testimony of the Virginia delegation, afterwards given in the Convention of that State, which ratified the Constitution of the United States. The Convention required them to report what they had witnessed on this subject, and they did so under all the responsibilities of so great and serious an occasion.

Mr. B. then read from Mr. Monroe's statement several passages, which showed that Spain viewed with jealousy our settlements in the Western country, and wished them checked, and had made communications to that effect; that the surrender of the navigation of the Mississippi to Spain, for twenty-five or thirty years, would have that effect; that this surrender was resisted by the southern States, because it would depress the growth of the West, and advocated by the north-eastern States; that the pursuit of this object was animated, and met with a warm opposition from the southern members; that he believed the Mississippi safer under the articles of confederation, than under the new constitution; and that as mankind in general, and States in particular, were governed by interest, the northern States would not fail of availing themselves of the opportunity given them by the Constitution of relinquishing that river, in order to depress the Western country and prevent the southern interest from preponderating.

Mr. B. also read, in support of Mr. Monroe's statement, as to the jealousy of Spain, the following various passages from the select Journal of Congress for the year 1780; contained in a communication from the Spanish court.

"It is the idea of the Cabinet of Madrid, that the United States extend to the westward no farther than settlements were permitted by the royal (British) proclamation of the 6th of October, 1763." "That the lands lying on the east side of the Mississippi, whereon settlements were prohibited by the aforesaid proclamation, are possessions of the crown of Great Britain, and proper objects against which the arms of Spain may be employed for the purpose of making a permanent conquest for the Crown of Spain. That such conquest

*New Jersey was one of the seven, but the Legislature of that State, on hearing what their Delegates had done, recalled them, in virtue of the salutary power reserved to the States under the articles of confederation, and which the best patriots of '89 endeavored to preserve over Senators under the new Constitution.

† This proclamation of George the third, forbade the settlements of the English Colonies to extend further West, than the heads of the rivers which flowed into the Atlantic Ocean.

may be probably made during the present war. That therefore, it would be advisable to restrain the southern States from making any settlements or conquests in those territories." Vol. 4. p. 310.

Having read these extracts, Mr. B. remarked, that here was the germ of that policy, which, thirty years afterwards, ended in dismembering the valley of the Mississippi, amputating two of its noblest rivers, and surrendering two hundred thousand square miles of its finest territory to the Crown of Spain.

Mr. B. also read the following passages from Mr. Grayson's statement:

"Secrecy was required on this subject. I told Congress that imposing secrecy on such a great occasion was unwarrantable. Seven States were dissatisfied to yield the navigation of the Mississippi. I speak not of any particular characters. I have the charity to suppose that all mankind act on the best motives. Suffice it for me to tell plain and correct facts, and leave the conclusion with this honorable House. They (the Northern States) looked at the true interests of nations. Their language has been: 'Let us prevent any new States from raising in the western world, or they will out vote us—we will lose our importance and become as nothing in the scale of nations. If we do not prevent it our countrymen will remove to those places, instead of going to sea, and we will receive no particular tribute or advantage from them. This, sir, has been' the language and spirit of their policy, and I suppose ever will. When the act of Congress passed respecting the settlement of the Western country, and establishing a State there, it passed in a lucky moment. I was told that that State (Massachusetts) was extremely uneasy about it, and in order to retain her inhabitants, lands in the province of Maine were lowered to one dollar per acre."

Mr. B. here remarked that since the introduction of his Graduation Bill in Congress, the price of land in Maine had been still further lowered. That he had seen advertisements offering fresh lands, the first time they were offered, at a minimum price of 25 cents per acre, and also at 20 cents per acre; & had been told that these minimums had been as low as 10 and 5 cents an acre, and that 50 cents was above the average of the auction sales.

Mr. B. also read the following extracts from a letter contained in the 4th vol. of the secret Journals of Congress, written from the Falls of Ohio, Dec. 4th 1786, and addressed to a gentleman in New England, and which shewed the alarm which was created in the West at the news of what was going on in Congress. "Politics, which a few months ago were scarcely thought of, are now sounded aloud in this part of the world. The late treaty with Spain shutting up, as it is said, the navigation of the Mississippi for the term of twenty-five years, has given this western country a universal shock, and struck its inhabitants with amazement. Our foundation is affected; it is therefore necessary that every individual apply himself to find a remedy. To sell us and make us vassals to the merciless Spaniards, is a grievance not to be borne. The parliamentary acts which occasioned our revolt from Great Britain were not so barefaced and intolerable. What benefit can you on the Atlantic shores, receive from this act? Though this country has been settling but six years, and that in the midst of an inveterate enemy, and most of the first adventurers fallen a prey to the savages, and although the emigration to this country is so very rapid that the internal market is very great, yet the quantities of produce now on hand are immense. Do you think to prevent emigration from a barren country, loaded with taxes, and impoverished with debts, to the most luxuriant and fertile soil in the world. Vain is the thought, and presumptuous the supposition. You may as well endeavour to prevent the fishes from gathering on a bank in the sea which affords them plenty of nourishment. Shall the best and largest part of the United States be uncultivated, a nest for savages and beasts of prey? Certainly not. Providence has designed it for some nobler purpose."

Mr. B. said that he had now given one great instance of the attempts to prevent the growth and settlement of the West. It was a diplomatic instance. He would now give another instance of the same policy from the legislative department of the Government—from the Congress of 1785, which he must be permitted to consider as the origin and prototype of all succeeding measures for cramping, crippling, and stifling the West. It is in the ordinance for the sale and disposition of the Western Lands; the first one that passed after the states had surrendered their claims to that territory for the payment of the public debt. This ordinance was reported by a committee of twelve members, eight of them from the north side of the Potomac. They were: Messrs. Lang, of New Hampshire. King, of Massachusetts. Howell, of Rhode Island.

*All these italicised passages are so in the original. † Kentucky.

Messrs. Johnson, of Connecticut. R. R. Livingston, of New York. Stewart, of New Jersey. Garner, of Pennsylvania. Henry, of Maryland. Grayson, of Virginia. Williamson, of N. Carolina. Bull, of S. Carolina. Houston, of Georgia.

The ordinance reported by the Committee contained the plan of surveying the public lands which has since been followed. It adopted the scientific principle of ranges of townships, which has been continued ever since, and found so beneficial in a variety of ways to the country.

The ranges began on the Pennsylvania line and proceeded West to the Mississippi; and since the acquisition of Louisiana, they have proceeded West of that river; the townships began upon the Ohio river and proceeded North to the lakes. The townships were divided into sections of a mile square, 640 acres each, & the minimum price was fixed at one dollar per acre, and not less than a section to be sold together. This is the outline of the present plan of sales and surveys, and with the modifications it has received, and may receive, the plan is excellent. But a principle was incorporated in the ordinance of the most fatal character. It was that *EACH township shall be sold out complete before any land could be offered in the next one!* This was tantamount to a law that the lands should not be sold—that the country should not be settled—for it is certain that every township, or almost every one would contain land unfit for cultivation, and for which no person would give six hundred and forty dollars for six hundred and forty acres. The effect of such a provision may be judged by the fact that above one hundred thousand acres remain to this day unsold in the first Land District—the District of Steubenville in Ohio, which included the first range and first township. If that provision had remained in the ordinance the settlements would not yet have got out of sight of the Pennsylvania line. It was a wicked and preposterous provision. It required the people to take the country clean before them—buy all as they went—mountains, hills and swamps; rocks, glens and prairies. They were to make clean work, as the giant Polyphemus did when he eat up the companions of Ulysses—

"Nor entrails, blood, nor solid bone remains." Nothing could be more iniquitous than such a provision in the ordinance. It was like requiring your guest to eat all the bones on his plate before he should have more meat. To say that Township No. 1 should be sold out complete before Township No. 2, should be offered for sale, was like requiring the bones of the first turkey to be eat up, before the second one should be touched. Yet such was the provision contained in the first ordinance for the sale of the public lands, reported by a Committee of twelve, of which eight were from the north and four from the south side of the Potomac. How invincible must have been the determination of some politicians to prevent the settlement of the West, when they would thus counteract the sales of the lands which had just been obtained, after years of importunity, for the payment of the public debt!

When this ordinance was put upon its passage in Congress, two Virginians, whose names for that act alone would deserve the lasting gratitude of the West, levelled their blows against the obnoxious provision. Mr. Grayson moved to strike it out, and Mr. Monroe seconded him; & after an animated & ardent contest, they succeeded. The whole South supported them; not one dissenting voice from the South; many scattering members from the North also voted with the South, and in favour of the infant West; proving then, as now, and as it always has been, that the West has true supporters of her rights and interests—unhappily not enough of them—in that quarter of the Union from which the measures have originated that several times threatened to be fatal to her.

Mr. B. here adverted to a statement made by Mr. Grayson, in the Virginia Convention, and which he had read just before, declaring that the language of some northern members had been, that they wanted no States in the West, &c., and ventured the assertion of the belief, that it was in the Committee that reported the ordinance, that that language was used. The occasion was a natural one to produce such language, and there was a gentleman upon that Committee, of a spirit too proud and lofty to dispense his sentiments. The occasion was one which involved the direct question, whether there should be new States in the West. The provision which required all the land in one township to be sold out, before the next was offered, was tantamount to saying that the land should not be sold—that the country should not be settled—that new States should not be formed. The part acted by Mr. Grayson, in the House, in expunging this obnoxious provision, authorizes the belief that he objected to it in the Committee, and took the natural ground that it would prevent the formation of new States in the West. The