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Message from the President of the United States, returning with his objections, the bill entitled "An Act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States."

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING.

With his objections, the bill entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States."

DECEMBER 5, 1833.

Read, ordered to be printed, and that 5,000 additional copies be furnished for the use of the Senate.

To the Senate of the United States:

At the close of the last session of Congress, I received from that body a bill, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States." The brief period then remaining before the rising of Congress, and the extreme pressure of official duties, unavoidable on such occasions, did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated, with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands; and any measure for that object, providing for the re-imbusement to the United States of those expenses with which they are justly chargeable, that may be consistent with my views of the constitution, sound policy; and the rights of the respective States, will readily receive my co-operation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time at the discretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration, nor the validity of the objections which I have felt it to be my duty to make to its passage, can be correctly appreciated without a full understanding of the manner in which the public lands, upon which it is intended to operate, were acquired, and the conditions upon which they are now held by the United States. I will, therefore, precede the statement of those objections by a brief, but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any Government for the protection of their common interests. In October, 1777, while Congress were framing the articles of confederation, a proposition was made to amend them, to the following effect, viz.

“That the United States, in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South sea, and lay out the land, beyond the boundary so ascertained, into separate and independent States, from time to time, as the numbers and circumstances of the people thereof may require.”

It was however rejected, Maryland only voting for it; and so difficult did the subject appear, that the patriots of that body agreed to waive it in the articles of confederation, and leave it for future settlement.

On the submission of the articles to the several State Legislatures for ratification, the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode Island, and New Jersey, instructed their delegates in Congress to move amendments to them, providing that the waste or crown lands should be considered the common property of the United States; but they were rejected. All the States, except Maryland, acceded to the articles, notwithstanding some of them did so, with the reservation that their claim to those lands, as common property, was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the articles, Maryland withheld her assent, and in May, 1779, embodied her objections in the form of instructions to her delegates, which were entered upon the journals of Congress. The following extracts are from that document, viz.

“Is it possible that those States who are ambitiously grasping at territories to which, in our judgment, they have not the least shadow of exclusive right, will use, with greater moderation, the increase of wealth and power derived from those territories when acquired, than what they have displayed in their endeavors to acquire them?” &c. &c.

“We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent governments, in such manner, and at such times, as the wisdom of that assembly shall hereafter direct,” &c. &c.

Virginia proceeded to open a land office for the sale of her western lands, which produced such excitement as to induce Congress, in October, 1779, to interpose, and earnestly recommend to “the said State, and all States similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war.”

In March, 1780, the Legislature of New York passed an act tendering cession to the United States of the claims of that State to the western territory, preceded by a preamble to the following effect, viz.

“Whereas, nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war: and the people of the State of New York being on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the beforementioned impediment to its final accomplishment,” &c.

This act of New York, the instructions of Maryland, and a remonstrance of Virginia, were referred to a committee of Congress, who reported a preamble and resolutions thereon, which were adopted on the 6th September, 1780; so much of which, as is necessary to elucidate the subject, is to the following effect, viz.

“That it appears advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our counsels and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the several legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union; that they are confirmed in these expectations by a review of the beforementioned act of the Legislature of New York, submitted to their consideration,” &c.

“Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States; and that it be earnestly recommended to those States who have claims to the western country, to pass such laws; and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.”

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several States as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz.

“Resolved, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of

for the common benefit of the United States, and be settled and formed into distinct republican States; which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence, as the other States, &c. &c. That the said lands shall be granted or settled at such times, and under such regulations, as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them."

In February, 1781, the Legislature of Maryland passed an act authorizing their delegates in Congress to sign the articles of confederation. The following are extracts from the preamble and body of the act, viz.

"Whereas it hath been said that the common enemy is encouraged, by this State not acceding to the confederation, to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustriously are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation, &c."

The act of which this is the preamble authorizes the delegates of that State to sign the articles, and proceeds to declare, "that, by acceding to the said confederation, this State doth not relinquish, nor intend to relinquish, any right or interest she hath, with the other united or confederated States, to the back country," &c.

On the 1st of March, 1781, the delegates of Maryland signed the articles of confederation, and the federal union, under that compact, was complete. The conflicting claims to the western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress, upon the States claiming them, to make liberal cessions to the United States, and it was not until long after the present constitution was formed that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the articles of confederation were ratified; and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession, thus tendered and accepted, was, that the lands ceded to the United States "*shall be, and enure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever.*"

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784: one of the conditions of this cession is as follows, viz.

"That all the lands within the territory, as ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, "*shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions 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.*"

Within the years 1785, 1786, and 1787, Massachusetts, Connecticut, and South Carolina, ceded their claims upon similar conditions. The Federal Government went into operation, under the existing constitution, on the 4th of March, 1789. The following is the only provision of that constitution which has a direct bearing on the subject of the public lands, viz.

"The 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, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Thus the constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress, approved April 2d, 1790. The third condition of this cession was in the following words, viz.

"That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

The cession of Georgia was completed on the 16th June, 1802, and in its leading condition is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands generally called *public lands*, lying within the original limits of the confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our republic, it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views, and transferred their claims to the United States, upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them; by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an ordinance providing for the sale of lands in the western territory, and directing the proceeds to be paid into the Treasury of the United States. With the same object, other ordinances were adopted prior to the organization of the present Government.

In further execution of these compacts, the Congress of the United States, under the present constitution, as early as the 4th of August, 1790, in "an act making provision for the debt of the United States," enacted as follows, viz.

"That the proceeds of 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 debt shall be fully satisfied."

To secure to the Government of the United States, forever, the power to

execute these compacts in good faith, the Congress of the confederation, as early as July 13th, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the western territory certain conditions, which were declared to be "articles of compact between the original States and the people and States in the said territory," which should "forever remain unalterable, unless by common consent." In one of these articles, it is declared that—

"The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide purchasers*."

This condition has been exacted from the people of all the new Territories, and, to put its obligation beyond dispute, each new State carved out of the public domain has been required explicitly to recognize it as one of the conditions of admission into the union. Some of them have declared through their conventions, in separate acts, that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day, in legislating for the territories, and admitting States into the union, the unshackled power to execute, in good faith, the compacts of cession made with the original States. From these facts and proceedings, it plainly and certainly results:

1. That one of the fundamental principles on which the confederation of the United States was originally based, was, that the wasteland of the west within their limits should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That, in execution of these solemn compacts, the Congress of the United States did, under the confederation, proceed to sell these lands, and put the avails into the common treasury; and, under the new constitution, did repeatedly pledge them for the payment of the public debt of the United States, by which pledge each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which, I think, cannot be contested by any one who examines the proceedings of the revolutionary Congress, the cessions of the several States, and the acts of Congress under the new constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt the compacts remain in full force, and the obligation of the United States to dis-

pose of the land for the common benefit is neither destroyed or impaired. As they cannot now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of for the common benefit of the several States, "*according to their respective and usual proportion in the general charge and expenditure?*" The cessions of Virginia, North Carolina, and Georgia, in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be "*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" This is the fundamental law of the land at this moment, growing out of compacts which are older than the constitution, and formed the corner stone on which the union itself was erected.

In the practice of the Government, the proceeds of the public lands have not been set apart as a separate fund for the payment of the public debt; but have been, and are now, paid into the Treasury, where they constitute a part of the aggregate of revenue, upon which the Government draws as well for its current expenditures, as for payment of the public debt. In this manner they have heretofore, and do now, lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt, and the usual expenditures attending the civil and military administration of the Government, but of the amounts paid to the States with which these compacts were formed; the amounts paid the Indians for their right of possession; the amounts paid for the purchase of Louisiana and Florida; and the amounts paid surveyors, registers, receivers, clerks, &c., employed in preparing for market, and selling, the western domain. From the origin of the land system down to the 30th September, 1832, the amount expended for all these purposes has been about 49,701,280 dollars, and the amount received from the sales, deducting payments on account of roads, &c., about 38,386,624 dollars. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the Treasury which have grown out of them, by about \$11,314,656. Yet, in having been applied to lessen those charges, the conditions of the compacts have been thus far fulfilled, and each State has profitted according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased, and the charges have diminished; so that, at a reduced price, those lands would now defray all current charges growing out of them, and save the Treasury from further advances on their account. Their original intent and object, therefore, would be accomplished, as fully as it has hitherto been; by reducing the price, and, hereafter as heretofore, bringing the proceeds into the Treasury. Indeed, as this is the only mode in which the objects of the original compact can be attained, it may be considered, for all practical purposes, that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their western domain, and treats the subject as if they never had existence, and as if the United States were the original and unconditional owners of all the public lands. The first section directs—

"That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama

Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them, respectively, upon their admission into the union, and the United States, the sum of twelve and a half per centum upon the net amount of the sales of the public lands which, subsequent to the day aforesaid, shall be made within the several limits of the said States; which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvement, or education, within the said States, under the direction of their several legislatures."

This twelve and a half per centum is to be taken out of the net proceeds of the land sales before any apportionment is made; and the same seven States which are first to receive this proportion, are also to receive their due proportion of the residue, according to the ratio of general distribution.

Now, waiving all consideration of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character, than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made; that it abrogates the condition upon which some of the States came into the union; and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public land is held by the Federal Government?

In the apportionment of the remaining seven-eighths of the proceeds, this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure provided by the compacts, it adopts that of the federal representative population. Virginia, and other States, which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge, are, by the bill, allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their federal representative population.

The constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "*shall be so construed as to prejudice any claims of the United States, or of any particular State,*" it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all "*needful rules and regulations*" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States, which had won liberty, were willing to pay for that union, without which, they plainly saw, it could not be preserved. It was not for territory or State power that our revolutionary fathers took up arms—it was for individual liberty, and the right of self-government. The expulsion from the continent of British armies and British power was to them a barren conquest, if, through the collisions of the redeemed States, the individual rights for which they fought should become the prey of petty military tyrannies established at home. To avert such consequences, and throw around liberty the shield of union, States whose relative strength at the time gave them a preponderating power, magnanimously sacrificed domains which would have made

them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union, and has secured liberty. It has made our waste lands to swarm with a busy people, and added many powerful States to our confederation. As well for the fruits which these noble works of our ancestors have produced, as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill, which would have impelled me to withhold my signature, had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It re-asserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, from which I was compelled to withhold my consent, for reasons contained in my message of the 27th May, 1830, to the House of Representatives. The leading principle then asserted was, that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle, I cannot be mistaken in supposing, has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people, and the purity of our Government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from, and appropriate a portion of, the public revenue to certain States, providing expressly that it shall "*be applied to objects of internal improvement or education within those States,*" and then proceeds to appropriate the balance to all the States, with the declaration that it shall be applied "*to such purposes as the legislatures of the said respective States shall deem proper.*" The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and therefore, in express violation of the principle maintained in my objections to the turnpike road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that, under the provisions of the bill, a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must, of course, come within the scope of the same principle. If the money of the United States cannot be applied to local purposes *through its own agents*, as little can it be permitted to be thus expended *through the agency of the State Governments.*

It has been supposed that, with all the reductions in our revenue which could be speedily effected by Congress, without injury to the substantial interests of the country, there might be, for some years to come, a surplus of moneys in the Treasury, and that there was, in principle, no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State Governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object was, to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned; but even this resource, which at one time seemed

to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue, and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government, and meeting the general charges, from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government by which they are not wanted; but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State Governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the State Governments shall derive all the funds necessary for their support from the Treasury of the United States. Or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain, and, to put an end to all further difficulty, Congress, without assuming any new principle, need go but one step further, and put the salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that Government which pays all the public officers of the States, will all political power be substantially concentrated. The State Governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependants of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their State Governments, and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the tax-gatherer and paymaster of all their State Governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well balanced system of government, and ultimately deprive us of all the blessings now derived from our happy union.

However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State Governments, I cannot assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as, in effect, assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treas-

jury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State Government and institution, as well as for making every local improvement, however trivial, I cannot give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new, from the system of distribution which this bill proposes, if it were otherwise unobjectionable. It requires no argument to prove, that if three millions of dollars a year, or any other sum, shall be taken out of the Treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of *seven-eighths* of the proceeds of land sales which they are to receive, but they must *pay* their due proportion of the *whole*. Disguise it as we may, the bill proposes to them a dead loss in the ratio of *eight to seven*, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The Governments of the States will receive *seven* dollars, for which the *people* of the States will pay *eight*. The large sums received will be palpable to the senses; the small sums paid, it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the public Treasury, for which they were at the same time required to pay in taxes, direct or indirect, *eight hundred*.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true, the bill reserves to Congress the power to reduce the price, but the effect of its details, as now arranged, would probably be forever to prevent its exercise.

With the just men who inhabit the new States, it is a sufficient reason to reject this system, that it is in violation of the fundamental laws of the republic and its constitution. But if it were a mere question of interest or expediency, they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries, in competition with the settlement of their waste lands, and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments, and immediately expended, as an equivalent for that enduring wealth which is composed of flocks and herds, and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands, and the increase of a hardy race of free citizens, their glory in peace and their defence in war.

On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands—their survey and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after

a considerable reduction in the price. By meeting in the Treasury so much of the general charge as arises from that source, they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that, after they have been offered for a certain number of years, the refuse, remaining unsold, shall be abandoned to the States, and the machinery of our land system entirely withdrawn. It cannot be supposed the compacts intended that the United States should retain for ever a title to lands within the States, which are of no value; and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from two dollars per acre to one dollar and a quarter; and upon the will of Congress, it depends whether there shall be a further reduction. While the burdens of the cost are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the west should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guarantee to the perpetuity of our happy union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets at finding myself again compelled to disagree with the legislative power, the sincere declaration that any plan which shall promise a final and satisfactory disposition of the question, and be compatible with the constitution and public faith, shall have my hearty concurrence.

ANDREW JACKSON.

December 4th, 1833.

Statement respecting the revenue derived from the public lands, accompanying the President's message to the Senate December 4th, 1833, stating his reasons for not approving the land bill:

Statement of the amount of money which has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties; the compact with Georgia; the settlement with the Yazoo claimants; the contracts with the Indian tribes; and the expenditures for compensation to commissioners, clerks, surveyors, and other officers, employed by the United States for the management and sale of the western domain; the gross amount of money received into the Treasury, as the proceeds of public lands, to the 30th of September, 1832; also, the net amount, after deducting 5 per cent., expended on account of roads within, and leading to the western States, &c., and sums refunded on account of errors in the entries of public lands.

Payment on account of the purchase of Louisiana:

Principal,	-	-	\$14,984,872 28
Interest on	-	11,250,000	8,529,353 43

\$23,514,225 71

Payment on account of the purchase of Florida:

Principal,	4,985,599 82	
Interest to 30th September, 1832,	1,489,768 66	
		\$6,475,368 48
Payment of compact with Georgia,		1,065,484 06
Payment of the settlement with the Yazoo claimants,		1,830,808 04
Payment of contracts with the several Indian tribes, (all expenses on account of Indians,)		13,064,677 45
Payment of commissioners, clerks, and other officers, employed by the United States for the management and sale of the western domain,		3,750,716 43
		<u>\$49,701,280 17</u>

Amount of money received into the Treasury as the proceeds of public lands to the 30th September, 1832,	39,614,000 07
Deduct payments from the Treasury on account of roads, &c.,	1,227,875 94
	<u>\$38,386,624 13</u>

T. L. SMITH, *Reg.*

TREASURY DEPARTMENT,
Register's Office, March 1, 1833.

An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and thirty-two, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them, respectively, upon their admission into the Union, and the United States, the sum of twelve and a half per centum upon the net amount of the sales of the public lands which, subsequent to the day aforesaid, shall be made within the several limits of the said States; which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvement or education within the said States, under the direction of their respective legislatures: *Provided*, That said dividend and distribution, or the proportion of any State therein, shall be in nowise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the same shall remain, as heretofore, chargeable on the two per centum fund provided for by the compacts with the new States.*

SEC. 2. And be it further enacted, That, after deducting the said twelve and a half per centum, and what, by the compacts aforesaid, has

heretofore been allowed to the States aforesaid, the residue of the net proceeds of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-four States of the union, according to their respective federal representative population as ascertained by the last census; to be applied by the Legislatures of the said States to such purposes as the Legislatures of the respective States shall deem proper: *Provided*, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, nor to impair the power of Congress to make such future disposition of the public lands, or any part thereof, as it may see fit.

SEC. 3. *And be it further enacted*, That the said several sums of money shall be paid at the Treasury of the United States, half yearly, to such person or persons as the respective legislatures of the said States may authorize and direct.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force for the term of five years from the said thirty-first day of December, unless the United States shall become involved in war with any foreign power; in which event, from the commencement of hostilities, this act shall cease, and be no longer in force: *Provided, nevertheless*, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, the power is reserved of assigning, by law, to such new State or States the proportion to which such State or States may be entitled upon the principles of this act, and upon the principles of any of the compacts made as aforesaid with either of the seven States first mentioned.

SEC. 5. *And be it further enacted*, That, during the period in which the net proceeds of the sales of the public lands shall be distributed among the several States according to the provisions of this act, there shall be annually appropriated, for completing the surveys of said lands, a sum not less than eighty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased; and, in case the same shall be increased, by law, within the period aforesaid, so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States shall, from and after the increase of the minimum price thereof, cease, and become utterly null and of no effect, any thing in this act to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That whenever, for two successive years, it shall appear to the Secretary of the Treasury that the net proceeds of the sales of the public lands within any land district now established, or which may hereafter be established by law, shall not be sufficient to discharge the salaries of the officers employed by the United States within such district, he may discontinue such officers; and the lands contained in such district remaining unsold shall, in such case, be annexed to the adjoining district.

SEC. 7. *And be it further enacted*, That there shall be granted to each of the States of Mississippi, Louisiana, and Missouri, the quantity of five hundred thousand acres of land; to the State of Indiana, one hundred and fifteen thousand two hundred and seventy-two acres; to the State of Illinois, twenty thousand acres; and to the State of Alabama, one hundred thousand acres of land; lying within the limits of said States, respectively; to be se-

lected in such manner as the legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and sub-divisions of not less than three hundred and twenty acres in any one location on any public land subject to entry at private sale; which said locations may be made at any time within five years after the lands of the United States in said States, respectively, shall have been surveyed, and offered at public sale, according to existing laws.

SEC. 8. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre until otherwise directed by law; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely, roads, bridges, canals, and improvement of water courses, and draining swamps; and such roads, canals, bridges, and water courses, when made or improved, shall be free for the transportation of the United States' mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

A. STEVENSON,
Speaker of the House of Representatives.
HU. L. WHITE,
President of the Senate pro tempore.

I certify that this act did originate in the Senate.

WALTER LOWRIE, *Sec'y.*