

APPLICATION OF MISSOURI FOR A CHANGE IN THE SYSTEM OF DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

To the Senate and House of Representatives of the United States:

The memorial of the general assembly of the State of Missouri respectfully sheweth: That the system of disposing of the public lands of the United States now pursued is highly injurious, in many respects, to the States in which those lands lie, and to none, perhaps, more so than to the State of Missouri. This general assembly does not deem it necessary to inquire whether the present plan, when first adopted, and for many years thereafter, until the best lands were disposed of, might not have been harmless in its' operation ; but, under existing circumstances, and the condition of this country and the neighboring countries beyond the limits of the United States, a policy more injurious both to the United States and the States in which the public lands lie could not, as your memorialists confidently believe, be pursued. This general assembly will not set forth and reiterate the several objections to the present system which have heretofore been urged to the consideration of Congress, and which have not been answered satisfactorily to those acquainted with the present condition of the western States. But the general assembly will state that a perseverance in the present system manifestly appears to them to be equivalent to a declaration on the part of Congress that it will not sell or dispose of nine-tenths of the public lands in this State; and this general assembly cannot refrain from declaring that it views such refusal as an infringement of the compact between the United States and this State ; and that the State of Missouri never could have been brought to consent not to tax the lands of the United States whilst unsold ; and not to tax the lands sold until five years thereafter, if it had been understood by the contracting parties that a system was to be pursued which would prevent nine-tenths of those lands from ever becoming the property of persons in whose hands they might be taxed. The State of Missouri views, with deep concern, a policy pursued by the general government in the disposal of the public lands. In demanding now for refuse lands, the largest part of which are not worth ten cents per acre, the full price of one dollar and twenty-five cents per acre, is, to all practical purposes, raising the prices of the public lands ; and that it has the obvious effect of preventing the population of the new States cannot be denied. The general government has absolutely reserved from sale upwards of seven hundred acres of land, under a supposition that it contained lead ore. It has reserved from sale all the salt springs belonging to the government, and the lands contiguous thereto ; and it has, through the Executive, refused to sell large districts of country supposed to contain iron ore, except in alternate sections, thereby, in effect, refusing the necessary quantity of those lands upon which to erect iron works. The price of lands, when we take into consideration the quality of those lands, and that they are the refuse of many years' sales, is not only raised, but is raised to a price, in most instances, ten times above their value. The prices are not only raised far above their value, but hundreds of thousands of acres, containing much of the natural wealth and resources of the State, are altogether reserved from sale. The population of the State is not only prevented, but hundreds of our citizens have left it to seek lands in the Mexican States ; and not one-third part of our citizens, where nineteen-twentieths of the domain are unappropriated, are possessed of lands, and the frontier of our infant State much exposed to the depredations of the restless hordes of predatory savages collected thereon by the same government that refuses us the means of strengthening our frontier, by requiring a price for the wild lands far above their value, thereby forcing numbers of our citizens, with their families and effects, to remove to countries beyond the limits of the United States, there to seek lands on terms more reasonable and advantageous than are offered by our government. This general assembly are convinced that the true interests of the United States, as well as the interests of the new States, require a radical change in the system of disposing of the public lands—to sell as rapidly as possible the wild lands, and apply the proceeds of those sales to the extinguishment of the public debt, the interest of which has consumed, and still consumes, so large a portion of the revenue—to give a home to millions of citizens, and attach them to the soil and institutions of the country—to increase the wealth and strength of the United States, and consequently the ability to bear the burdens of government in times of war or other public calamity—to augment the revenue of the United States, by increasing the consumption of foreign goods on which, duties are paid, and the increase of the revenue of the States in which the public lands lie, are blessings and advantages which must arise from a change in the system of disposing of the public lands, and which are surely not to be treated lightly by a wise nation. This general assembly believe that the great objects hereinbefore enumerated can best be attained, and the evils complained of can most readily be obviated, by graduating the prices of the public lands, by making donations of land to actual settlers, and by ceding the refuse lands to the States in which they lie, in the manner

proposed by the bill at the last session of Congress, for settlement and cultivation, and to advance the great interests of education and internal improvement. This general assembly, therefore, do most earnestly recommend to the justice, wisdom, and liberality of Congress, the passage of a law to effect those great objects.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved December 23, 1828.

JOHN MILLER

20th Congress.]

No. 727.

[2d Session.

APPLICATION OF LOUISIANA FOR A CESSION OF THE PUBLIC LANDS THEREIN TO
THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

Resolved by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That it is deemed a matter of the utmost importance to the interests of the State that it should have and possess the sole and exclusive jurisdiction of the unappropriated lands within its limits, in order that internal improvements may be promoted and emigration increased.

Resolved, That while the federal government shall continue to claim sovereignty over a large portion of the soil of the State, with its tardy operations in disposing of the same to individuals, and the high prices stipulated in the terms of entry, we shall continue to behold the younger members of this republic outstripping us in population, improvements, and the arts.

Resolved, That inasmuch as a portion of our citizens hold lands under adverse and unsettled titles, the vital object of defence against the inundation of our streams, and the object common to man of rendering better his condition, are both retarded and repressed.

Resolved, That our senators in Congress be instructed, and our representatives requested, to exert their utmost abilities to obtain from the federal government a cession to this State of the public and unappropriated lands claimed by the United States, at as early a period and on such terms as may be beneficial to the State and advantageous to our citizens.

Resolved, That the governor of the State be requested to transmit a copy of these resolutions to each of our senators and representatives in Congress.

A. B. ROMAN,
Speaker of the House of Representatives.
A. BEAUVAIS,
President of the Senate.

Approved December 22, 1828.

P. DERBIGNY,
Governor of the State of Louisiana

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PUBLIC LANDS.

[No. 730.

20th Congress.]

No. 730.

[2d Session.

APPLICATION OF ILLINOIS FOR A REDUCTION IN THE PRICE OF THE PUBLIC
LANDS.

COMMUNICATED TO THE SENATE. FEBRUARY 2, 1829.

To the Senate and House of Representatives in Congress assembled:

The memorial of the general assembly of the State of Illinois respectfully sheweth: That the condition of this State, in connexion with the newly admitted States into the Union, has heretofore, and now again, imposed it on the general assembly, as an indispensable duty, to remonstrate against the mode and price of disposing of the public lands lying within those States, and to urge upon the representatives of the nation the importance and absolute necessity of a salutary change in their disposition.

It has heretofore been represented to your honorable body that the State of Illinois alone contains about forty millions of acres of land, and that an amount very little exceeding one and a half million of acres have as yet been disposed of at the public sales. If the present price at which it is required by law to be sold shall not be reduced, it will be hundreds of years before the soil will have passed out of the control of the general government, and be subject to the laws and jurisdiction of this State. Your memorialists, therefore, cannot resist impressing it on the serious attention of the Congress of the Union how injurious must be the operation of such a retarded disposition of the vast bodies of public land lying within this State, and how inevitably it must check its increase and population, and consequent improvement and resources, proving highly detrimental to the State, in point of revenue, by withholding from taxation such vast proportions of its soil. If, as would seem to be most clearly inferable, the high price at which those lands are required to be disposed of should prevent their sale, it may be a subject of serious inquiry whether it does not operate as a virtual infraction of the compact in relation to the not taxing those lands before they are sold, and for a certain term of time afterwards. From the terms of that compact, and upon the supposition that the same is obligatory upon the parties to it, any act on the part of the government to delay the sales of the land in a reasonable period, whether accomplished by a positive refusal to sell, or by demanding for it a sum greatly beyond its value, by which the sales would be defeated, in a great measure, if not wholly so, would doubtless be an infraction of the compact itself.

If such hitherto has been the effect of the system still adhered to by the government, it may not be unworthy of consideration, either on the part of the general government or the States, whose interests are directly concerned, to ascertain what might be the legal effects thereof.

Nothing, however, would seem to be more just or conformable to the relation of good faith, which ought ever to exist between a government based on federative principles and rights, and any portions of its citizens with whom it may have entered into agreements for the early disposition of its primary interests in the soil within the boundaries of such federative State, than to affix to its sale a sum not more than its real value, and to do every necessary act to facilitate the disposition of it at the earliest possible period. Indeed, if no other consideration than policy itself, as regards the government, were consulted, it "would seem to lead to its early disposition. It never can be the interest of the United States to keep on hand a large and unproductive property, such as that of the public lands, and especially when no good results to the general government from such a course of policy, and which operates so injuriously to the prosperity of the western States. The excessive and unequal price at which the lands are held prevent their sale, and, as a necessary consequence, their population and improvement. Justice, then, to the new States, and considerations of interest on the part of the government, seem to prompt to the necessity of a prompt and reasonable reduction of the price of public lands. The prosperity of the new States would not merely be promoted by such a measure, but the Union at large would be benefited in the same ratio as the new States, in their increased capacity to contribute towards the common burdens of the whole would be increased.

Connected with this question of the reduction of the price of the public lands, there seems naturally to arise two others of similar interest: one is the right of pre-emption in the purchase of the land, and the other of donations of small tracts to actual settlers who shall have occupied and cultivated the same for a given period of time. It cannot, it is believed, be necessary to illustrate either the justice or usefulness of the first, which has been so repeatedly established by the precedents already created by legislative enactments; nor does it seem essential to enter into arguments, or to quote the liberality and discernment of other governments to show the sound policy of the other. It must be obvious to those who will take the trouble to make the inquiry, that its effects would necessarily tend to strengthen the country, to increase its resources, its wealth, and its population. Should the government view the ground which your memorialists have assumed, with relation to the public lands, as neither defensively right, nor based upon the principles of mutual interest and justice, as regards their future disposition, then they hope, that if, from no other consideration than those of general policy, and a due regard to the magnitude of the vital interests of seven if not nine of the new States, they will consent to a surrender of all the public lands within those States upon

equitable terms, such as the government, upon enlarged views and due consideration of the interest of the whole Union, shall be willing to extend, and those States shall be willing to accept. It is not for your memorialists to recapitulate the various reasons which might be most forcibly urged for the adoption of such a course in relation to these lands, nor of the many contentions to which the subject may hereafter give birth. Should the present oppressive system continue, and no amelioration take place, it will not be denied that this question is susceptible of being presented in so grave an aspect as to involve considerations of the deepest magnitude, and demand the most serious and enlightened reflection of those charged, with the interests of the whole confederacy. It may be one which, if seriously presented, must involve questions of the highest importance to a State, and of the most intense interest to its citizens—no less than of the deprivation of some of the essential attributes of its sovereignty; the control of the internal concerns and police of a free State by a power other than its own; a prohibition to regulate and improve the settlement of lands within its own limits and acknowledged boundaries, according to its own views of its prosperity and happiness; a deprivation of the collection of revenue from vast bodies of soil within such limits, until the general government shall choose to assent thereto, by the disposition of the soil—whether the citizens of such States shall be subject to the operation of the laws of the United States, confessedly purely municipal, which have no existence in the older States, and which they alone have the right to pass, and to which no other power is competent without the consent of their own legislative power; whether, in reality, the compact under which the general government claims these extraordinary powers is consonant to the rights reserved to the States respectively by the Constitution of the United States, or have in anywise been granted by that instrument; and finally, whether the tenure by which they hold the public lands is valid and binding on the new States.

Your memorialists most devoutly hope that not only the agitation of the inquiries, but the questions themselves, may be avoided, and forever put at rest by a just and liberal disposition of the public lands, in the mode herein suggested, or in such other as the views of the government, having a due regard to the rights and interests of the States, shall dictate, and as shall be compatible with the great principles upon which our States and general government have been erected.

JOHN McLEAN,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Attest: Wm. Lee D. Ewing,
Clerk House of Representatives.
