

EXHIBIT D

MARCH, 1820.

Public Land Sales.

SENATE.

THE PUBLIC LANDS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands, together with the amendment proposed thereto by Mr. WALKER, of Alabama, as follows:

And be it further enacted, That purchasers of public lands, which have been sold prior to the — day of — next, shall be permitted to forfeit and surrender the same before the day of final payment, by delivering their certificates to the register, and endorsing thereon their consent that the land therein described shall be re-sold: whereupon, the said certificates shall be considered as cancelled; and the land shall be deemed and taken to have reverted to the United States, and shall be disposed of, in all respects, like other reverted or forfeited lands, according to the provisions of the fourth section of this act; but, if such lands should be sold for more than one dollar and — cents per acre, the excess shall be paid over to the former certificate-holder: *Provided,* That such excess shall not be greater than the amount previously paid on such certificate.

Mr. WALKER submitted a number of arguments in support of his amendment, and entered into particular statements of the amount of sales, the prices given in Alabama and elsewhere, for public lands, the great amount of debt due and becoming due, &c., to show the propriety of affording the relief which his amendment contemplated; but, as the Senate was this morning thin, and the subject before it of great importance, he hoped its consideration might for the present be postponed.

Mr. WILSON, though uniformly friendly to the principle of the bill, was willing to defer its consideration until the Senate should be full, and moved to postpone it till to-morrow.

Mr. THOMAS proposed a postponement to Wednesday next.

Mr. OTIS was opposed to so distant a postponement, as he feared it might endanger the bill, which had already been postponed through all the moods and tenses. It had been lost in the other House, at the last session, after passing this, for want of time. Should it be again defeated from the same cause, it was to be feared that they might bid adieu to all hope of the measure. Mr. O. made a remark or two on the subject of the amendment, to show that, however equitable the relief, it was doubtful whether the measure would be proper before the debt for which the sales were pledged had been paid off.

Mr. WALKER replied, to obviate the objection of Mr. OTIS; and the postponement was supported by Mr. NOBLE, and opposed by Mr. RUGGLES.

The motion to postpone to Wednesday was lost, and the motion for to-morrow prevailed—18 to 14; but a reconsideration of the vote was subsequently moved and agreed to, and the motion to postpone being then negatived, the Senate resumed the consideration of the bill and amendment.

Mr. KING, of Alabama, had no hope, from the indications which he saw, that the amendment would be adopted; but, if the change proposed by the bill should take place, he had no doubt the Legislature would see the necessity of some such

relief as the amendment offered. He would now merely call for the yeas and nays on the question.

The amendment was supported by Messrs. EDWARDS and KING of Alabama, and was opposed by Messrs. TRIMBLE, LANMAN, and KING of New York, not because opposed to affording the relief contemplated, but from an unwillingness to connect it with the present bill, &c.

The question being taken on the amendment, it was decided by yeas and nays, as follows:

YEAS—Messrs. Edwards, Johnson of Kentucky, King of Alabama, Logan, Noble, Smith, Thomas, and Walker of Alabama—8.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Hunter, Johnson of Louisiana, King of New York, Lanman, Leake, Lowrie, Macon, Mellen, Morrill, Otis, Palmer, Parrott, Pleasants, Ruggles, Sanford, Stokes, Taylor, Trimble, Van Dyke, Williams of Mississippi, Williams of Tennessee, and Wilson—29.

Mr. EDWARDS said, although he was decidedly opposed to the change in the mode of disposing of the public lands, which is provided for by the bill now under consideration, from the strongest convictions, that, while it is calculated to operate with peculiar hardship upon those who have not the good fortune to have the present command of money, and to retard the settlement and check the prosperity of the State which he has the honor, in part, to represent, it was also inexpedient, on the part of the Government itself, to place its own interest so much in the power of moneyed capitalists, who, owing to the present temporary scarcity of money, can, by combinations for that purpose, with the utmost facility put down competition at the public sales, and engross as much of the best lands as they please, upon the lowest terms or minimum price; yet, if the bill must pass, and I see (said Mr. E.) no prospect of opposing it with success, in this House, I do most sincerely hope it will be with such modifications as will produce the least individual hardships and the most general satisfaction; for, whatever may have been the zeal with which I have hitherto opposed the measure, I can assure gentlemen that it has been no part of my object to excite discontents elsewhere, and that there is no man living who has been more uniformly disposed to discountenance local jealousies, and to cherish a spirit of concord and harmony throughout every part of our common country, than I myself have been.

My judgment may have deceived me; my personal interest, however, I well know, cannot have misled me; for that would have been promoted by the contemplated change, which cannot fail to be beneficial to all those who have heretofore purchased lands which they wish to dispose of, or who have money to purchase, with that view; and hence it is, probably, that we have seen letters from large landholders in the West to members of this body, exhibited as disinterested testimony in favor of the proposed change, and passing from seat to seat, for the purpose of convincing our minds, not only of its propriety, but of the absolute necessity for its speedy adoption.

Mr. E. contended, that the present system of

disposing of the public lands had been successfully tested by the experience of many years; that Ohio and Indiana, in particular, had flourished under its operation, and, without any injury to the Union, had increased their population and prosperity with unparalleled rapidity. But, said he, like all other human institutions, it seems that the system had not the necessary perfection to suit it to all times and circumstances; and it is alleged, as a reason demanding the proposed change, that excessive purchases were made, during a period of universal delusion, which equally operated upon every thing else, and which no one believes is likely to recur, for a long time to come at least. But, said he, can it be a dictate of wisdom to predicate a general system upon a particular and extraordinary case, which is gone by, and in all probability will never again occur? Can it be wise, to select that moment for abolishing all credit upon the sale of public lands when money is scarcer than it has ever heretofore been, and thereby to retard the settlement of those lands, at the very time when the state of things which produced the supposed evils of the credit system is rapidly disappearing, which is now most certainly the case, as far as I am informed on the subject? Can it be just to withhold from our fellow-citizens, who have not heretofore purchased any public lands, the opportunity of doing so upon the same terms that have been allowed to others? Can it be right, merely because others have heretofore purchased injudiciously, during a period of general delusion, to refuse credit to those who may hereafter wish to purchase discreetly, lest they should be tempted to injure themselves, in like manner, when no such delusion exists?

But, said he, it is not my purpose to discuss, at large, the merits of the proposed change. I will, at present, content myself with an effort, merely, to shield the present settlers upon public lands from merciless speculators, whose cupidity and avarice would unquestionably be tempted by the improvements which those settlers have made with the sweat of their brows, and to which they have been encouraged by the conduct of the Government itself; for, though they might be considered as embraced by the letter of the law which provides against intrusions on public lands, yet, that their case has not been considered by the Government as within the mischiefs intended to be prevented, is manifest, not only from the forbearance to enforce the law, but from the positive rewards which others, in their situation, have received, by the several laws which have heretofore granted to them the same right of pre-emption which I now wish extended to the present settlers.

The settlements which have been made by this description of our population, so far from injuring in any way the interest of the Government, have, in all cases with which I have been acquainted, (and few have had an opportunity of knowing more upon the subject than myself,) actually benefited it, by enhancing the value of the adjoining lands, and increasing the facilities of settling them.

Those settlements have been made with the ex-

pectation of acquiring the lands including them, under the existing law. The number and value of such improvements are much greater than they would have been had not certain lands been kept out of market much longer than was reasonably anticipated. None of those settlers have supposed that they would have to pay down more than one-fourth of the purchase money upon the tracts which they wish to buy; few of them will be able to pay more; the most of them have already opened farms, from which they could reasonably calculate upon paying the future instalments as they would become due. And it does appear to me that it would be both cruel and impolitic to disappoint such expectations, by placing those people, so completely as the proposed change would do, in the power of moneyed speculators. To guard against which, and to prevent those serious discontents, if not commotions, which otherwise must take place, I offer the amendment which I now hold in my hand, and which, so far from being calculated to defeat the bill, cannot, if adopted, fail to contribute greatly to its success, by removing some of the most serious and important objections to its passage.

The amendment is as follows:

Be it enacted, &c., That every person, or the legal representatives of every person, who has actually inhabited and cultivated, and who now resides upon any tract of land lying in any district established for the sale of public lands, which tract is not rightfully claimed by any other person, such person, so residing as aforesaid, or his legal representative, shall be entitled to a preference in becoming the purchaser from the United States of such tract of land, at private sale, upon the same terms and conditions, in every respect, as have heretofore been provided, by law, for the sale of other lands sold at private sale: *Provided,* That no more than one quarter section of land shall be sold to any one individual in virtue of this act, and the same shall be bounded by the sectional and divisional lines run, or to be run, according to law: *Provided, also,* That no lands reserved from sale by former acts, or lands which have been directed to be sold in town lots, shall be sold under this act.

Be it further enacted, That every person claiming a preference in becoming the purchaser of a tract of land in virtue of this act, shall make known his claim by delivering a notice, in writing, to the register of the land office for the district in which the land may lie, wherein he shall particularly designate the quarter section he claims; which notice the register shall file in his office, on receiving twenty-five cents from the person delivering the same. And, in every case where it shall appear to the satisfaction of the register and receiver of public moneys of the land office, that any person, who has delivered his notice of claim, is entitled, according to the provisions of this act, to a preference in becoming the purchaser of a quarter section of land, such person so entitled shall have a right to enter the said quarter section, or half thereof, with the register of the land office, on producing his receipt from the receiver of public moneys for at least one twentieth part of the purchase money, as in case of other lands sold at private sale: *Provided,* That all lands to be sold under this act, which shall not have been previously exposed to public sale, shall be entered

MARCH, 1820.

Public Land Sales.

SENATE.

with the register at least two weeks before the time which may be appointed for the commencement of the public sale thereof. And every person, having a right of preference in becoming the purchaser of a tract of land, who shall fail so to make his entry with the register within the time prescribed, his right shall be forfeited, and the land, by him claimed, shall be offered at public sale with the other public lands in the district to which it belongs."

Mr. KING, of New York, observed that, if the change of system were favorable to speculators, he should be found in the negative. But, so far from this being the fact, he considered the change as highly favorable to the poor man; and he argued at some length, that it was calculated to plant in the new country a population of independent, unembarrassed freeholders; that by offering the lands in eighty-acre lots, it would place it in the power of almost every man to purchase a freehold, the price of which could be cleared in three years; that it would cut up speculation and monopoly; that the money paid for the lands would be carried from the State or country from which the purchaser should remove; that it would prevent the accumulation of an alarming debt, which experience proved never would and never could be paid.

Mr. JOHNSON, of Louisiana, was decidedly opposed to the bill, because he conceived it would be injurious to the interests of Louisiana, and of the nation at large. He argued that the present system had been in existence twenty years; that the people were satisfied with it; that the country had thriven and prospered under it; that the change would operate oppressively on a large class of actual settlers in Louisiana and elsewhere, who ought to be secured by some provisions, &c.

Mr. RUGGLES had no objection to the amendment; but he spoke to show that, if the change took place at all, it ought to be total; that he should oppose the change unless the price was reduced, and the land offered in half quarter sections, &c.

Mr. JOHNSON, of Kentucky, despaired of defeating the bill here, but expressed his hopes that it would meet its fate in the other House. Mr. J. supported the amendment, and argued at some length against the bill. He contended that no system which the Government had ever adopted had been productive of so much benefit to the nation as that under which the public lands had heretofore been disposed of, &c.

Mr. TRIMBLE replied to certain remarks of Mr. EDWARDS and Mr. JOHNSON, of Louisiana, in reference to the operation of the land system in Ohio, and also in support of the proposed change.

Mr. NOBLE next rose, and entered into a very particular examination of the system, from its commencement, twenty-five years ago, up to the present time, to show the impolicy of the contemplated change, and the propriety of the amendment. He replied at large to Mr. KING and others, to show that it would be easy for speculators and monopolists to combine and destroy competition at the public sale, to purchase up the best lands, and afterwards to extort from the poor an exorbitant price, to bring their purchases into competition with the Government lands, &c.

Mr. KING, of New York, replied, and Mr. NOBLE rejoined; after which—

The question was taken on Mr. EDWARDS'S amendment, and negatived as follows:

YEAS—Messrs. Brown, Edwards, Johnson of Kentucky, Johnson of Louisiana, Logan, Noble, Smith, and Thomas—8.

NAYS—Messrs. Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Hunter, King of Alabama, King of New York, Lanman, Leake, Lowrie, Macon, Miller, Morril, Noble, Otis, Palmer, Parrott, Pleasants, Ruggles, Sanford, Taylor, Trimble, Van Dyke, Walker, of Alabama, Williams of Mississippi, Williams of Tennessee, and Wilson—28.

Mr. NOBLE then moved to amend the bill by striking out all that part thereof which provides that the sales shall be made for cash; and leaving that part of the bill which directs the lands to be offered for sale in half quarter sections.

This motion was negatived, by yeas and nays, 28 to 8, the members present voting precisely as on the preceding question.

Mr. JOHNSON, of Louisiana, offered to amend the bill by inserting a clause, providing substantially that such lands as should not bring the minimum price, should, after remaining unsold a certain number of years, be offered at a less price, and, after the lapse of further time, at a still less price, &c.; which motion he offered on the ground that there was in Louisiana, and elsewhere, a great deal of land which would never bring the minimum price, and that it ought, in due time, to be offered at such a price as would induce its purchase and settlement.

The motion was opposed by Messrs. MELLETT and LANMAN, for the reason chiefly that it would be premature legislation; and that, even if the provision were now necessary, it would be better to bring it forward in a distinct bill, &c. Mr. LEAKE concurred in the expediency of the provision, but not connected with the present bill.

The motion was negatived by a large majority. The Senate then proceeded to fill the blanks. The first being that left for fixing the period when the new system shall go into operation—

Mr. WILLIAMS, of Mississippi, (chairman of the Land Committee) moved to fill the blank with the first of July next.

Mr. JOHNSON, of Louisiana, moved to fill it with the first of July, 1821. This motion was negatived; and the blank was then filled, as moved by Mr. WILLIAMS.

Mr. WILLIAMS next moved to fill the blank left for fixing the minimum price of lands, with the sum of one dollar and twenty-five cents; which sum had been agreed on by the Land Committee, as, under existing circumstances, the most fair and reasonable.

Mr. EATON moved to fill the blank with one dollar and fifty cents.

Mr. JOHNSON, of Louisiana, would prefer fixing the price at one dollar only.

Mr. KING, of New York, was opposed to \$1 50, and in favor of \$1 25; and, after some remarks from each of the gentlemen in support of their different opinions—

SENATE.

Property Lost, &c.

MARCH, 1820.

The blank was filled with *one dollar and twenty-five cents*, by a large majority.

The bill was then ordered to be engrossed and read a third time as amended.

The bill further suspending the sale or forfeiture of lands, for non-payment, was also taken up, and ordered to be engrossed for a third reading.

Mr. THOMAS gave notice that he should, on Thursday week, ask leave to introduce a bill for giving the right of pre-emption to actual settlers on the public lands.

PROPERTY LOST, &c.

The bill to make compensation for horses, &c., lost or destroyed in the Seminole war, was taken up.

Mr. PLEASANTS, after stating that there had been a report made by a committee of the other House, which he understood would throw considerable light on the events out of which this bill grew, and which he should be glad to examine before it was finally acted on, moved to lay the bill on the table.

Mr. EATON opposed the motion, as the only fact disclosed by the report referred to, which could affect the bill, was provided for by the proviso yesterday added to the bill.

A short debate followed between Mr. EATON and Mr. PLEASANTS, entering somewhat into the merits of the bill; in which it was advocated by the former; and, though not opposed by the latter gentleman, yet he offered some reasons to show why it would be better and cheaper to pay the full value of those horses in the first instance, and sell them when the service was performed, than to pay forty cents a day for their use, and then allow compensation for such losses as were provided for by this bill.

The discussion ended in a variation of the motion to postpone the bill to Monday next, which was agreed to.

THURSDAY, March 9.

The PRESIDENT communicated an act of the Legislature of the State of Ohio, entitled "An act respecting a navigable communication between Lake Erie and the Ohio river;" and the act was read, and referred to the Committee on Roads and Canals.

The PRESIDENT also communicated a resolution of the same Legislature, respecting a pre-emption of twelve sections of land, for seats of justice in new counties; and the resolution was read, and referred to the Committee on Public Lands.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the President pro tempore of the Senate:

I transmit to the Senate copies of sundry papers, having relation to the treaty of 22d February, 1819, between the United States and Spain, which have been received at the Department of State, and have not before been communicated to the Senate.

JAMES MONROE.

MARCH 8, 1820.

The Message, together with the accompanying

papers, were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Rosalie P. Deslonde; and the bill was read, and passed to the second reading.

Mr. ROBERTS presented the memorial of the Chamber of Commerce of the city of Philadelphia, remonstrating against any change in the revenue system of the United States; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of John De-la-field, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom the subject was referred, reported a bill for the relief of Robert Swartwout; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill to provide relief for sick and disabled seamen; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the same committee, to whom the subject was referred, reported a bill, declaring the consent of Congress to an act of the State of Georgia, passed on the nineteenth day of December, 1818; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the same committee, to whom the subject was referred, reported a bill to authorize the erection of a light-house on one of the Isles of Shoals, near Portsmouth, in New Hampshire; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the same committee, to whom the subject was referred, reported a bill, to provide for clothing the Army of the United States in domestic manufactures; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Thomas L. Ogden, on behalf of himself and others, made a report, accompanied by a bill for the relief of Thomas L. Ogden, and others. The report and bill were read, and passed to the second reading.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Ephraim Hart, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Finance, upon the petition of William C. Kausler; and the further consideration thereof was postponed until Thursday next.

The bill for the relief of Joseph Lefebvre, and also the bill for the relief of certain sufferers by fire at Savannah, in Georgia, were read the second time.

The bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1820," was read the s