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MISCELLANEOUS SELECTIONS

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PREFACE

The following pages are on a subject hitherto little understood but highly interesting to the United States.

They contain an investigation of the claims of Virginia to the vacant western territory, and of the right of the United States to the same; with some outlines of a plan for laying out a new state to be applied as a fund for carrying on the war or redeeming the national debt.

The reader, in the course of this publication, will find it studiously plain and, as far as I can judge, perfectly candid. What materials I could get at I have endeavored to place in a clear line, and deduce such arguments therefrom as the subject required. In the prosecution of it I have considered myself as an advocate for the right of the states, and taken no other liberty with the subject than what a counsel would and ought to do in behalf of a client.

I freely confess that the respect I had conceived, and still preserve for the character of Virginia, was a constant check upon those sallies of imagination which are fairly and advantageously indulged against an enemy, but ungenerous when against a friend.

If there is anything I have omitted or mistaken, to the injury of Virginia or her claims, I shall gladly rectify it, or if there is anything yet to add, should the subject require it, I shall as cheerfully undertake it; being fully convinced that to have matters fairly discussed and properly understood is a principal means of preserving harmony and perpetuating friendship.

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When we take into view the mutual happiness and united interests of the states of America, and consider the vast consequences to arise from a strict attention of each and of all to everything which is just, reasonable, and honorable; or the evils that will follow from an inattention to those principles; there cannot and ought not to remain a doubt but the governing rule of right and of mutual good must, in all public cases, finally preside.

The hand of providence has cast us into one common lot and accomplished the independence of America by the unanimous consent of the several parts, concurring at once in time, manner, and circumstances. No superiority of interest, at the expense of the rest, induced the one more than the other into the measure. Virginia and Maryland, it is true, might foresee that their staple commodity, tobacco, by being no longer monopolized by Britain, would bring them a better price abroad; for as the tax on it in England was treble its first purchase from the planter, and they being now no longer compelled to send it under that obligation and in the restricted manner they formerly were, it is easy to see that the article, from the alteration of the circumstances of trade, will, and daily does, turn out to them with additional advantages.

But this being a natural consequence, produced by that common freedom and independence of which all are partakers, is therefore an advantage they are entitled to and on which the rest of the states can congratulate them without feeling a wish to lessen but rather to extend it. To contribute to the increased prosperity of another, by the same means which occasion our own, is an agreeable reflection; and the more valuable any article of export becomes, the more riches will be introduced into and spread over the continent.

Yet this is an advantage which those two states derive from the independence of America, superior to the local circumstances of the rest; and of the two it more particularly belongs to Virginia than Maryland, because the staple commodity of a con-

siderable part of Maryland is flour, which, as it is an article that is the growth of Europe as well as of America, cannot obtain a foreign market but by underselling or at least by limiting it to the current price abroad. But tobacco commands its own price. It is not a plant of almost universal growth like wheat. There are but few soils and climes that produce it to advantage, and before the cultivation of it in Virginia and Maryland the price was from four to sixteen shillings sterling a pound in England.¹

But the condition of the vacant western territory of America makes a very different case to that of the circumstances of trade in any of the states. Those very lands formed, in contemplation, the fund by which the debt of America would in the course of years be redeemed. They were considered as the common right of all; and it is only till lately that any pretension of claim has been made to the contrary.

That difficulties and differences will arise in communities ought always to be looked for. The opposition of interests real or supposed, the variety of judgments, the contrariety of temper, and, in short, the whole composition of man in his individual capacity is tinctured with a disposition to contend; but in his social capacity there is either a right which, being proved, terminates the dispute, or a reasonableness in the measure, where no direct right can be made out, which decides or compromises the matter.

As I shall have frequent occasion to mention the word *right*, I wish to be clearly understood in my definition of it. There are various senses in which this term is used, and custom has in many of them afforded it an introduction contrary to its true meaning. We are so naturally inclined to give the utmost degree of force to our own case that we call every pretension, however founded, *a right*; and by this means the term frequently stands opposed to justice and reason.

After Theodore was elected king of Corsica, not many years ago, by the mere choice of the natives for their own conven-

¹See Sir Dalby Thomas's *Historical Account of the Rise and Growth of the West India Colonies*. [Paine's note.]

ience. in opposing the Genoese, he went over to England, run himself in debt, got himself into jail, and on his release therefrom, by the benefit of an act of insolvency, he surrendered up what he called *his* kingdom of Corsica as a part of his personal property for the use of his creditors; some of whom may hereafter call this a charter, or by any other name more fashionable, and ground thereon what they may term a right to the sovereignty and property of Corsica. But does not justice abhor such an action both in him and them under the prostituted name of a *right*, and must not laughter be excited wherever it is told?

A right, to be truly so, must be right within itself; yet many things have obtained the name of rights, which are originally founded in wrong. Of this kind are all rights by mere conquest, power, or violence. In the cool moments of reflection we are obliged to allow that the mode by which such a right is obtained is not the best suited to that spirit of universal justice which ought to preside equally over all mankind. There is something in the establishment of such a right that we wish to slip over as easily as possible and say as little about as can be. But in the case of a *right founded in right*, the mind is carried cheerfully into the subject, feels no compunction, suffers no distress, subjects its sensations to no violence, nor sees anything in its way which requires an artificial smoothing.

From this introduction I proceed to examine into the claims of Virginia: first, as to the right; secondly, as to the reasonableness; and lastly, as to the consequences.

The claim being unreasonable in itself and standing on no ground of right, but such as, if true, must, from the quarter it is drawn, be offensive, has a tendency to create disgust and sour the minds of the rest of the states. Those lands are capable, under the management of the United States, of repaying the charges of the war, and some of them, as I shall hereafter show, may, I presume, be made an immediate advantage of.

I distinguish three different descriptions of land in America at the commencement of the revolution. Proprietary or chartered lands, as was the case in Pennsylvania; crown lands,

within the described limits of any of the crown governments; and crown residuary lands, that were without or beyond the limits of any province; and those last were held in reserve whereon to erect new governments and lay out new provinces; as appears to have been the design by Lord Hillsborough's letter, and the president's answer, wherein he says, "With respect to the establishment of a *new colony on the back of Virginia*, it is a subject of too great political importance for me to presume to give an opinion upon; however, permit me, my lord, to observe that when that part of the country shall become populated it may be a wise and prudent measure."

The expression is, a "*new colony on the back of Virginia*"; and referred to lands between the heads of the rivers and the Ohio. This is a proof that those lands were not considered within but beyond the limits of Virginia as a colony; and the other expression in the letter is equally descriptive, namely, "*We do not presume to say to whom our gracious sovereign shall grant his vacant lands.*" Certainly, then, the same right, which at that time rested in the crown, rests now in the more supreme authority of the United States; and therefore, addressing the president's letter to the circumstances of the revolution, it will run thus:

Man "We do not presume to say to whom the *sovereign United States* shall grant their vacant lands, and with respect to the settlement of a *new colony on the back of Virginia*, it is a matter of too much political importance for me to give an opinion upon; however, permit me to observe, that when that part of the country shall become populated it may be a wise and prudent measure."

It must occur to every person, on reflection, that those lands are too distant to be within the government of any of the present states; and I may presume to suppose, that were a calculation justly made, Virginia has lost more by the decrease of taxables, than she has gained by what lands she has made sale of; therefore, she is not only doing the rest of the states wrong in point of equity, but herself and them an injury in point of strength, service, and revenue.

It is only the United States, and not any single state, that can lay off new states, and incorporate them in the union by representation; therefore, the situation which the settlers on those lands will be in, under the assumed right of Virginia, will be hazardous and distressing, and they will feel themselves at last like the aliens to the commonwealth of Israel, their habitations unsafe and their title precarious.

And when men reflect on that peace, harmony, quietude, and security, which are necessary to prosperity, especially in making new settlements, and think that when the war shall be ended, their happiness and safety will depend on a union with the states, and not a scattered people, unconnected with and politically unknown to the rest, they will feel but little inclination to put themselves in a situation which, however solitary and recluse it may appear at present, will then be uncertain and unsafe, and their troubles will have to begin where those of the United States shall end.

It is probable that some of the inhabitants of Virginia may be inclined to suppose that the writer of this, by taking up the subject in the manner he has done, is arguing unfriendly against their interest. To which he wishes to reply:

That the most extraordinary part of the whole is that Virginia should countenance such a claim. For it is worthy of observing that from the beginning of the contest with Britain, and long after, there was not a people in America who discovered, through all the variety and multiplicity of public business, a greater fund of true wisdom, fortitude, and disinterestedness, than the then colony of Virginia. They were loved, they were revered. Their investigation of the assumed rights of Britain had a sagacity which was uncommon. Their reasonings were piercing, difficult to be equalled and impossible to be refuted, and their public spirit was exceeded by none. But since this unfortunate land scheme has taken place, their powers seem to be absorbed; a torpor has overshadowed them, and every one asks, What is become of Virginia?

It seldom happens that the romantic schemes of extensive dominion are of any service to a government, and never to a

people. They assuredly end at last in loss, trouble, division, and disappointment. And was even the title of Virginia good and the claim admissible, she would derive more lasting and real benefit by participating in it than by attempting the management of an object so infinitely beyond her reach. Her share with the rest, under the supremacy of the United States, which is the only authority adequate to the purpose, would be worth more to her than what the whole would produce under the management of herself alone. And that for several reasons:

1st, Because her claim not being admissible nor yet manageable, she cannot make a good title to the purchasers, and consequently can get but little for the lands.

2d, Because the distance the settlers will be from her will immediately put them out of all government and protection so far at least as relates to Virginia; and by this means she will render her frontiers a refuge to desperadoes and a hiding place from justice; and the consequence will be perpetual unsafety to her own peace and that of the neighboring states.

3d, Because her quota of expense for carrying on the war, admitting her to engross such an immensity of territory, would be greater than she can either support or supply, and could not be less, upon a reasonable rule of proportion, than nine-tenths of the whole. And,

4th, Because she must sooner or later relinquish them; therefore to see her own interest wisely at first is preferable to the alternative of finding it out by misfortune at last.

I have now gone through my examination of the claim of Virginia in every case which I proposed; and for several reasons wish the lot had fallen to another person. But as this is a most important matter in which all are interested, and the substantial good of Virginia not injured but promoted, and as few men have leisure and still fewer have inclination to go into intricate investigation, I have at last ventured on the subject.

The succession of the United States to the vacant western territory is a right they originally set out upon; and in the pamphlet, *Common Sense*, I frequently mentioned those lands

as a national fund for the benefit of all; therefore, resuming the subject where I then left off, I shall conclude with concisely reducing to system what I then only hinted.

In my last piece, the "Crisis Extraordinary," I estimated the annual amount of the charge of war and the support of the several governments at two million pounds sterling, and the peace establishment at three quarters of a million, and, by a comparison of the taxes of this country with those of England, proved that the whole yearly expense to us to defend the country is but a third of what Britain would have drawn from us by taxes had she succeeded in her attempt to conquer; and our peace establishment only an eighth part; and likewise showed that it was within the ability of the states to carry on the whole of the war by taxation without having recourse to any other modes or funds. To have a clear idea of taxation is necessary to every country, and the more funds we can discover and organize, the less will be the hope of the enemy and the readier their disposition to peace, which it is now *their* interest more than *ours* to promote.

I have already remarked that only the United States, and not any particular state, can lay off new states and incorporate them into the union by representation; keeping, therefore, this idea in view, I ask, might not a substantial fund be quickly created by laying off a new state, so as to contain between twenty and thirty millions of acres, and opening a land office in all countries in Europe for hard money, and in this country for supplies in kind, at a certain price.

The tract of land that seems best adapted to answer this purpose is contained between the Allegheny Mountains and the river Ohio, as far north as the Pennsylvania line, thence extending down the said river to the falls thereof, thence due south into the latitude of the North Carolina line, and thence east to the Allegheny Mountains aforesaid. I the more readily mention this tract because it is fighting the enemy with their own weapons, as it includes the same ground on which a new colony would have been erected for the emolument of the crown of England, as appears by the letters of Lords Hills-

borough and Dartmouth, had not the revolution prevented its being carried into effect.

It is probable that there may be some spots of private property within this tract, but to incorporate them into some government will render them more profitable to the owners, and the condition of the scattered settlers more eligible and happy than at present.

If twenty millions of acres of this new state be patented and sold at twenty pounds sterling per hundred acres, they will produce four million pounds sterling, which, if applied to continental expenses only, will support the war for three years, should Britain be so unwise as to prosecute it against her own direct interest and against the interest and policy of all Europe. The several states will then have to raise taxes for their internal government only, and the continental taxes, as soon as the fund begins to operate, will lessen, and if sufficiently productive, will cease.

Lands are the real riches of the habitable world, and the natural funds of America. The funds of other countries are, in general, artificially constructed; the creatures of necessity and contrivance; dependent upon credit, and always exposed to hazard and uncertainty. But lands can neither be annihilated nor lose their value; on the contrary, they universally rise with population, and rapidly so, when under the security of effectual government. But this it is impossible for Virginia to give, and therefore that which is capable of defraying the expenses of the empire will, under the management of any single state, produce only a fugitive support to wandering individuals.

I shall now inquire into the effects which the laying out a new state, under the authority of the United States, will have upon Virginia. It is the very circumstance she ought to, and must, wish for when she examines the matter in all its bearings and consequences.

The present settlers beyond her reach, and her supposed authority over them remaining in herself, they will appear to her as revolters, and she to them as oppressors; and this will produce such a spirit of mutual dislike that in a little time a

total disagreement will take place to the disadvantage of both. But under the authority of the United States the matter is manageable, and Virginia will be eased of a disagreeable consequence.

Besides this, a sale of the lands, continentally, for the purpose of supporting the expense of the war, will save her a greater share of taxes than the small sale which she could make herself and the small price she could get for them would produce.

She would likewise have two advantages which no other state in the union enjoys; first, a frontier state for her defense against the incursions of the Indians; and the second is that the laying out and peopling a new state on the back of an old one, situated as she is, is doubling the quantity of its trade.

The new state, which is here proposed to be laid out, may send its exports down the Mississippi, but its imports must come through Chesapeake Bay, and consequently Virginia will become the market for the new state; because, though there is a navigation from it, there is none into it on account of the rapidity of the Mississippi.

There are certain circumstances that will produce certain events whether men think of them or not. The events do not depend upon thinking, but are the natural consequence of acting; and according to the system which Virginia has gone upon, the issue will be that she will get involved with the back settlers in a contention about *rights*, till they dispute with their own claims; and, soured by the contention, will go to any other state for their commerce; both of which may be prevented, a perfect harmony established, the strength of the states increased, and the expenses of the war defrayed, by settling the matter now on the plan of a general right; and every day it is delayed, the difficulty will be increased and the advantages lessened.

But if it should happen, as it possibly may, that the war should end before the money, which the new state may produce, be expended, the remainder of the lands therein may be

set apart to reimburse those whose houses have been burnt by the enemy, as this is a species of suffering which it was impossible to prevent, because houses are not movable property; and it ought not to be that, because we cannot do everything, we ought not to do what we can.

Having said this much on the subject, I think it necessary to remark that the prospect of a new fund, so far from abating our endeavors in making every immediate provision for the army, ought to quicken us therein; for should the states see it expedient to go upon the measure, it will be at least a year before it can be productive. I the more freely mention this because there is a dangerous species of popularity, which, I fear, some men are seeking from their constituents by giving them grounds to believe that if they are elected they will lighten the taxes; a measure which, in the present state of things, cannot be done without exposing the country to the ravages of the enemy by disabling the army from defending it.

Where knowledge is a duty, ignorance is a crime; and if any man whose duty it was to know better has encouraged such an expectation, he has either deceived himself or them: besides, no country can be defended without expense, and let any man compare his portion of temporary inconveniences arising from taxation with the real distresses of the army for the want of supplies, and the difference is not only sufficient to strike him dumb, but make him thankful that worse consequences have not followed.

In advancing this doctrine, I speak with an honest freedom to the country; for as it is their good to be defended, so it is their interest to provide that defense, at least till other funds can be organized.

As the laying out new states will some time or other be the business of the country, and as it is yet a new business to us and as the influence of the war has scarcely afforded leisure for reflecting on distant circumstances, I shall throw together a few hints for facilitating that measure whenever it may be proper for adopting it.

The United States now standing on the line of sovereignty,

the vacant territory is their property collectively, but the persons by whom it may hereafter be peopled will also have an equal right with ourselves; and therefore, as new states shall be laid off and incorporated with the present, they will become partakers of the remaining territory with us who are already in possession. And this consideration ought to heighten the value of lands to new emigrants because, in making the purchases, they not only gain an immediate property, but become initiated into the right and heirship of the states to a property in reserve, which is an additional advantage to what any purchasers under the late government of England enjoyed.

The setting off the boundary of any new state will naturally be the first step, and as it must be supposed not to be peopled at the time it is laid off, a constitution must be formed by the United States as the rule of government in any new state for a certain term of years (perhaps ten) or until the state becomes peopled to a certain number of inhabitants; after which the whole and sole right of modeling their government to rest with themselves.

A question may arise whether a new state should immediately possess an equal right with the present ones in all cases which may come before congress.

This experience will best determine; but at a first view of the matter it appears thus: that it ought to be immediately incorporated into the union on the ground of a family right, such a state standing in the line of a younger child of the same stock; but as new emigrants will have something to learn when they first come to America, and a new state requiring aid rather than capable of giving it, it might be most convenient to admit its immediate representation into congress, there to sit, hear, and debate on all questions and matters, but not to vote on any till after the expiration of seven years.

I shall in this place take the opportunity of renewing a hint which I formerly threw out in the pamphlet, *Common Sense*, and which the several states will, sooner or later, see the convenience if not the necessity of adopting; which is that of electing a continental convention for the purpose of forming a

continental constitution, defining and describing the powers and authority of congress.

Those of entering into treaties and making peace they naturally possess, in behalf of the states, for their separate as well as their united good, but the internal control and dictatorial powers of congress are not sufficiently defined, and appear to be too much in some cases and too little in others; and, therefore, to have them marked out legally will give additional energy to the whole, and a new confidence to the several parts.