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CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 7.

DEBATE on *Georgia Claims.*

In committe of the whole,

Mr. Dawson in the chair, on the bill *providing for the settlement of sundry claims to public lands lying south of the state of Tennessee.*

Continued.

Mr. BEDINGER said he never expected to see the time when it would be out of the power of a respectable minority to express their opinion. On this subject he thought with his friend from Virginia. With him he would say to the opponents of the resolutions, examine them and see if they are not true. But some gentlemen seemed rather disposed to lay a bushel on the candle to prevent their constituents from seeing what was going on. It was unnecessary to say more. If gentlemen were bent on pursuing their course, they must do it.

Mr. LYON said he wished to let his constituents know all he did. But from delicacy to the gentleman who had moved the resolutions, he wished to give them the go by. As to the first resolution he would amend it by ading "of which such legislature were judges." If that amendment should be rejected he would vote against the whole.

Messrs. Lucas and Sloan said a few words against the rising of the committee.

Mr. MACON (*Speaker*) remarked that this question, like many others which presented themselves, had taken up a longer time in discussing the preliminary point that might have been required on the resolutions. To rise and report the bill, without acting on the resolutions, would be a virtual rejection of them; especially as the House had determined to rise on the 19th. For one Mr. M. said, he was ready to vote on the resolutions. If it were wrong to vote on them, it was certainly proper to vote against their reference. But why not vote on them? We may not all agree; but have we not a right to think for ourselves? Let us then meet them, and vote as we see best. Mr. M. said he was the more desirous of meeting the question as he differed from those with whom he generally coincided in opinion. It may be said these resolutions embrace an abstract question. If so, gentlemen ought not to have allowed their reference. In the present stage of the business, no question could be taken unless in the committee, or on a motion to discharge the committee from their further consideration. Mr. M. said, he thought it the right of every member of a deliberate body to express his sentiments and record his opinion on any subject before it. This had always been the practice. He trusted, therefore, the committee would not rise, but proceed to the discussion of the resolutions.

Mr. GREGG said, if it were earlier in the session, he might have no objection to a consideration of the resolutions, or if he thought, late as it was, that a discussion of them would take up but a short time. But he entertained no hope from the variety of matter they contained, of the debate arising out of them being brought to a close within several days. The last resolution had been a short time since decided, in the shape of the amendment offered by the gentleman from Virginia. This certainly expressed the sense of the committee on the last resolution. The first resolution likewise had been virtually decided on by a former vote of the House. The substance of it had been much depended on by those opposed to the bill, and it had been this which had regulated their former vote. Mr. Gregg said he believed the principle it contained was generally correct. Those, however, in the majority appeared to entertain a different opinion, and were thence opposed to the principle of the resolutions. Mr. G. said he had no objection to having his vote recorded on the resolution. But he did not perceive the necessity, at this time, when the session was pressing to a close, of occupying unnecessarily the time of the House. He should, therefore, be in favor of a postponement.

Mr. J. RANDOLPH.—Certain resolutions have been submitted by the House to this committee, and when it is proposed to take them up, objection is made, on the ground that no opinion ought to be expressed upon them, and a motion accordingly brought forward for the committee to rise. From the prospect before us, it is probable that the committee will rise, and if leave be given them to sit again, which seems to be the object of some gentlemen, these resolutions will be equally out of the power of their mover, or their friends. How far gentlemen were warranted in saying that this committee, which altho' it be inferior only to the House itself, is yet subordinate to it, and as much bound by its instructions as any other committee whatever, should refuse to be governed by those instructions, he would not undertake to say: but of this he would assure them that how much soever they might embarrass, they should not defeat the discussion of this subject, by any course which they might pursue.—Consistent only in their hostility to the resolutions, gentlemen advocated the committee's rising by the most opposite and contradictory arguments; on the one hand contending that no opinion ought to be expressed upon them, whilst on the other, they assert that such opinion has been fully expressed. Irreconcilable in their objections, they are not less united in their object. When men for whatever reason, however opposite their premises, invariably agree in the same conclusion, by what arguments are they to be assailed? In this dilemma he was impelled much more by a sense of duty, than by any hope of success, to reply to some of the remarks which had fallen from various quarters of the committee.

It was said, that the amendment, which he had the honor to propose to the bill, which had been just then considered, embraced the substance of the resolutions, and that its rejection was a fair decision upon their merits. Permit me, (said Mr. R.) in the most explicit terms, to deny this position. One of these resolutions, and one only, to give gentlemen all that they can fairly ask, may have been been virtually decided by the rejection of that amendment. But will any one be hardy enough to assert that the question, "whether the act of "Georgia, of 1795, was, or was not "passed by the grossest corruption," was embraced in that amendment, or in any wise affected by the decision upon it? Surely not. Gentlemen who voted against that amendment have not in debate, pretended to deny the fact. They cannot, they dare not deny it. He might go on and specify resolution after resolution, and shew that no opinion had been expressed upon them, (one only excepted) but the committee would anticipate, in the recollection of their contents, all that could be urged to demonstrate the variance between them and the amendment. They must be satisfied of the feebleness and insufficiency of this objection. Before he touched on any other, he deemed it proper to answer some observations which had fallen from a gentleman from Massachusetts (Dr. Eustis) to the left. I must here [said Mr. R.] express my satisfaction at finding myself supported by the conclusive authority of my respectable friend the speaker, in the position which I assumed at the outset—that every member has a right to claim a decision on any question brought by him before the house, which they shall have agreed to consider. The gentleman from Massachusetts thinks differently. In his opinion no member has a right to interpret a refusal on the part of the House to act on his motion, into a personal disrespect to himself. I certainly have never expressed myself to the effect that this gentleman insinuates. If the zeal with which I have supported a claim, sanctioned by the highest authority here, has been so construed, it has been my misfortune, not for the first time perhaps, to give rise to erroneous impressions. From the warmth however which has been exhibited by the mover of these resolutions, whenever their subject has been agitated, the gentleman from Massachusetts would infer that they are the offspring of feeling, rather than of judgment. I could wish, sir, when that gentleman condescends to notice any remarks of mine, he would confine himself to their substance and matter, and not pass over these, in order to fix upon the manner in which they are delivered. If the warmth with which an opinion be supported be made the standard of its truth or falsehood, it will have been my misfortune, perhaps, never to have advanced a correct position on this floor. Some men have a smooth, oily, insinuating address: they can make you a proposition ruinous to yourself or to your country, with a face couched in smiles. Others can scarce offer you an interchange of civility without wounding your feelings; 'tis their misfortune. But I trust that the adventitious circumstances of temperament and complexion are not to be made the criterion of truth; that propositions and arguments will be decided here, upon their own intrinsic merits, and not by considerations altogether foreign from them. On other occasions we have heard much of party spirit and the rights of minorities. But this is one of those cases in which the tocsin of party spirit and an over ruling majority will not answer the purpose in view.—This is a season in which the old dark maxim "*divide et impera*" is to be resorted to;—in which personal pique and private jealousies shall enable an hopeless opposition to hold the scales of this House:—once hopeless, tho' now like Antæus rising from their fall. From observations made out of doors, I expected to hear these resolutions treated as an encroachment on the rights of Georgia, and by the very men too, who did not scruple to usurp the jurisdiction of a great portion of the country in question [the Mississippi territory] in contempt of the rights and in defiance of the remonstrances of that state. Yes. I was prepared to see some *crocodile* tears shed over the violated rights of the states. If experience did not prove that war, oppression and misery are embraced by the greater portion of mankind in preference to peace, happiness and freedom, it would be no difficult matter to demonstrate, that these resolutions, so far from infringing upon the rights of Georgia, are in direct support of those rights, as asserted by her in the most solemn manner, at this day. I little expected to stand on this floor, in the list of persons hostile to state rights, to be charged, as the gentleman before me has expressed himself, with having brought forward propositions subversive of the rights of the states. The sovereignty of the states has ever been the cardinal principle of my political opinions, and in the outset, I enlisted under the banners of state rights in opposition to federal usurpation. The doctrine of exalting the general government on the ruin of the authority of the states, is at length exploded, and those who have heretofore been most conspicuous in encroaching upon the rights of the states, generally, and upon those of Georgia in particular, are now foremost in displaying their zeal for both. I cannot but rejoice at the acquisition which this cause has made. But to those of its friends, who are too new to it to understand its interests, as yet, I would recommend, that they would take the conduct of the Georgia delegation as an evidence of the rights and interest of that state. They surely are not so destitute of information or fidelity, as to misunderstand or abandon the rights of the people whom they represent.—So long however as I have the honor of concurring with them in opinion, I shall be very easy under any clamor which the new friends of Georgia and of the rights of states may endeavour to excite. If however, gentlemen are unwilling to rely on the opinions of so few, however respectable men, I refer them to the act of the legislature of Georgia herself, generally called the rescinding act, passed under circumstances of unparallelled unanimity and confirmed by the general voice of the people, who subsequently recognized it in, and engrafted it upon their constitution. If still they remain dissatisfied I would ask them if the recognition of the claims against Georgia, in the bill which they are so eager to pass, be not equally a violation of the rights of that state, with the rejection of those claims. Does not the bill before you, in pronouncing upon the validity of the act of Georgia, equally involve the principle against which gentlemen protest so loudly, with the resolutions themselves? They have their choice either to pronounce the corrupt act of 1795, or the rescinding act of 1796, invalid. Are not the rights of Georgia as much affected by the one as by the other? and even more by annulling the act of 1796, since she alone recognises that to be her own. But gentlemen not only annihilate this act, without a scruple, but they support a bill predicated upon a principle which involves the validity of the other also, and then charge us with bringing forward propositions which, because they pronounce upon the acts of Georgia the same sentence which she herself has passed upon them, they denounce as subversive of the rights of Georgia, and with them, of every state in the union. Will not these gentlemen give themselves the trouble to examine their right to legislate on this subject, at all? Will they refuse to see that we hold it by solemn grant from Georgia herself, without which we could not constitutionally pass any law in relation to the territory in question. It is this only which authorises us, in any shape, to interfere in a matter which, otherwise would exclusively belong to her. The act of interfering, and not the manner of that interference, with subjects cognizable by the state alone, would constitute an infraction of her rights. The bill which is advocated by gentlemen themselves would equally infringe the rights of Georgia with the provision which has been attempted to be inserted in it, but for our compact with her. Will any one pretend to say that these resolutions have for their object any thing forbidden, either expressly or by implication, in that compact:—That it stipulates for any provision for the claims under the act of 1795? Would the Georgia delegation unite in defeating those stipulations if any such indeed existed? Is not the right to reject involved in the right to grant those claims? Georgia having transferred the soil and jurisdiction of the country to the United States, subject to the existing claims against it, we have acquired precisely the same rights over it that she herself had. We stand in her shoes. There cannot be a clearer position on earth, than that the moment she transferred to us those lands, subject to prior grants, (those grants not being specifically enumerated) we became the judges of their validity. So sensible were we of this that we have appointed commissioners to audit and adjust those claims—and I repeat, that the bill which is so strenuously supported by the opponents to these resolutions does pass upon the validity of the acts of 1795 and 1796, modifying and abridging the grants under the first, and altogether abrogating the last, to say nothing of the act of 1789, under which the Virginia and S. Carolina companies claim. But, sir, these unfortunate resolutions, it seems, contain that damnable heresy in politics, abstract propositions. What are many clauses of your constitution—of your bills and declarations of rights, but so many series of abstract principles? Let us examine whether the propositions, of whatever description, contained in these resolutions, are indeed foreign to the subject before the committee—whether, on the contrary, they are not intimately and indissolubly connected with the provisions of the bill on your table. If indeed they were so vaguely expressed, or so loose in their application, they might have been safely left to expire in their own imbecility. But gentlemen have seen in them the evil genius of this bill, and hence their opposition.

[Here Mr. R. read the 1st and 2nd resolutions.]

"*Resolved*, That the state of Georgia were at no time invested with the power of alienating the right of soil possessed by the good people of that state in and to the vacant territory of the same, but in a rightful manner and for the general good?" Who will deny it? If Georgia has made a valid contract we must execute it. If invalid there is no obligation on us to perform it.

"That when the governors of any people shall have betrayed the confidence reposed in them, and shall have exercised that authority with which they have been invested for the general welfare to promote their own private ends, under the basest motives, and to the public detriment, it is the inalienable right of a people, thus circumstanced, to revoke the authority thus abused, to resume the rights thus attempted to be bartered, and to abrogate the act thus endeavoring to betray them."

I am afraid if we deny this position we have no title to shew for our own existence as a nation.

[Mr. R. here read the third resolution.]

"That it is in evidence to this House that the act of the legislature of Georgia passed on the 7th of January 1795, entitled an act, &c. was passed by persons under the influence of gross and palpable corruption, practised by the grantees of the lands, attempted to be alienated by the aforesaid act, tending to enrich and aggrandise, to a degree almost incalculable, a few individuals and ruinous to the public interest."

If there be any objection, in my mind, to this resolution, it is that it does not sufficiently detail, what it contains in substance; that the vendors of this iniquitous bargain being, at the same time, the vendees, the contract was, therefore, void. On a former occasion when this position was advanced, we were told, that, on the same principle, the sale of our western lands might be set aside, since members of the legislature speculated in them to a vast amount. However indecorous and reprehensible this may have been in persons in their situation, there was a wide and material difference between the sales made by the U. States and a pretended sale like this; not of a few acres, but of millions;—not of sections and half sections, but of thousands of square miles;—not measured by chains and perches but by circles of latitude and longitude;—not made in the face of day, on public notice, for a reasonable equivalent, and with the general participation of the citizens, but bartered away in the dark, by wholesale, for the emolument of the partners in the job, for a pretended consideration, too paltry to give an air of validity to the contract; and even this sum, pitiful as it was, had since been drawn from the treasury of Georgia by those who had paid it, or others claiming under them, by an act—yet more infamous and disgraceful, if possible, than that by which it was deposited there. But it is not my intention, at this time, to enter into the particulars of this transaction. In the former stages of this bill I have endeavored to give a faithful history of it. Weak and vain, however, must be every effort to do justice to this enormous and atrocious procedure. Some gentlemen, indeed, will tell you that we have no proof of the facts. The depositions, say they, are exparte, and therefore in strictness of law cannot be considered as evidence. But when was it known that men could not legislate on less than legal evidence? Have we not the same evidence of the fraud, that we have of the existence of the claims? Are not the evidences of both in the same report? the same proof of the corruption as of the claims. They both hang together. Do not gentlemen themselves admit the existence of the corruption? On what other principle could they justify their proposition to withhold from these harpies the whole of their glorious booty, and put them off with a comparative pittance. Set aside the evidence of the corruption, and it cannot be denied, that, instead of *five*, they are entitled to fifty millions of acres. I repeat they are entitled to all, or nothing. We at least are consistent—we deny their title to any thing, and we propose to give them nothing. Gentlemen on the other side can support the claim to the five millions, which they propose to give, only by arguments which justify a claim to ten times that amount.

[Mr. R. here read the fourth resolution.]

"That the good people of Georgia impressed with general indignation at the act of atrocious perfidy and unparalleled corruption, with a promptitude of decision highly honorable to them, did, by the act of a subsequent legislature, passed on the 13th day of February 1796, under circumstances of peculiar solemnity, and finally sanctioned by the people, who have subsequently engrafted it on their constitution, declare the preceding act and the grants made under it, in themselves null and void;—that the said act should be expunged from the records of the state and publicly burnt; which was accordingly done; provision, at the same time being made, for restoring the pretended purchase money to the grantees, BY WHOM, OR BY PERSONS CLAIMING UNDER THEM, *the greater part of the said purchase money has been withdrawn from the treasury of Georgia.*"

This is another of the resolutions not even substantially embraced in the prefered amendment, which has been rejected by the committee. The evidence of the facts contained in the former part of it is to be found in the act of Georgia which I hold in my hand, commonly called the rescinding act. The report of our commissioners furnishes the proof of the withdrawal of the money, with a detailed statement of that nefarious business, which in the former stages of this bill has been amply explained. In the rescinding act the legislature of Georgia take other objections to the usurpation of 1795, besides those founded on its corruption. They deny the constitutional right of their predecessors to have made such an alienation of the public domain, even with honorable views and for a fair equivalent. They declare that their constitution prescribes a certain mode whereby vacant lands shall be sold and granted, and that the pretended act of 1795 is void, not only from its corruption, but