not reversing it; nor shall I allude to another fable relating to that noble animal, and to a reptile, who having found under him a shelter from danger, attempted to sting him.

It is objected to these resolutions that they are abstract propositions. By abstract principles I understand axioms unapplied. But when they are applied to facts they cease to be considered in the abstract. In Geometry there are certain elementary principles which are the basis of all reasoning on any proposition in that department of science. So in law there are principles in the abstract while they remain unapplied, and which bear in every case where facts admit of their application. So in politics certain principles are held sacred, either in the view of right, or in relation to the constitution of a state. But when these principles are applied to a given state of things they cease to be abstract. In the declaration of Independence there are several abstract principles; such as "that all men are free," &c. But applied to a certain state of things, they are no longer abstract. I apprehend, therefore, that my worthy friend from Pennsylvania will, on more mature reflection, perceive that the principles contained in the resolutions, bearing on facts, cease to be abstract; on facts which it is necessary for us to decide; and against examining the consequences of which no reason can be urged.

But says another gentleman, we have no jurisdiction in this case; we have nothing to do with the act of Georgia of 1795; we have no authority over it. I confess myself really surprised to be assured over and over again that the act of 1795, that gives the House all this trouble, that is the corner stone of the present claims and without which there would not be a shadow of claim, is not to be considered as blended with our proceedings. What! when we are called upon to compromise claims, are we not to go to the cause, to the fountain source, and decide whether they have, or have not a foundation in justice? Put the act of 1795 out of the way, and would we ever have heard of this compromise? Remove it, and would we have a single claimant before us soliciting a compromise? I consider the act of Georgia as involving the all-important point; as intimately and indissolubly blended with the question before us. That question is whether we will consent to give five millions to effect a compromise of claims; directly emanating from the act 1795; and then, as an incidental question, we are obliged to look at the act of 1795. If the House have authority over the main question, *ex vi termini* they have authority over every question incidental to it; and common sense teaches us that it is absolutely necessary to determine on the validity of the act of 1795 in order to decide the justice or policy of compromising claims arising out of it.

But says the gentleman from Massachusetts, the United States are pledged to compensate these claimants by the articles of agreement made with Georgia and by the act of Congress passed at a late session: And he wishes us to drop the curtain over this scene of iniquity. I should be as glad as that gentleman to do it, but I wish to know who raised it, and whether the first act in this dark drama is not the act of 1795, and whether this did not in the first instance, raise the curtain. I wish to examine the validity of this act. Is there any thing in the articles of cession that contravenes its validity? My worthy friend from Virginia has frequently called the attention of the House to that instrument. I will again invite it. By the 3d article it is

"*Provided*, That all the lands ceded by this agreement to the United States, shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the state of Georgia, and the grants recognized by the preceding condition be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever: provided, however, that the United States, for the period and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the above-mentioned payment to the state of Georgia, nor with the grants hereinbefore recognised, dispose of or appropriate a portion of the said lands, not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting or compensating for any claims other than those hereinbefore recognized, which may be made to the said lands, or to any part thereof. It being fully understood, that if an act of Congress making such disposition or appropriation shall not be passed into a law within the abovementioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognised by the preceding condition, nor to compensate for the same; and in case of any such cession or compensation, the present cession of Georgia to the right of soil over the lands thus ceded or compensated for, shall be considered as null and void, and the lands thus ceded or compensated for, shall revert to the state of Georgia."

It must be evident from the plain reading of this article that Georgia did not contemplate, on her part to pay, or wish the United States to pay the claimants. She ties the United States down to a certain time; and if afterwards she undertakes to appropriate one acre to their satisfaction, the whole reverts to Georgia. Is there any specific recognition of claims in the instrument? Is there any covenant to pay the claimants under the act of of 1795? We find nothing in the letter of the articles of cession to warrant it; and we must conclude that there is no promise made by the United States to compensate the claimants under that act. But say gentlemen, this is to be found in the act of the last session. I think that act establishes no such thing; and that those claims are not recognised, or intended to be recognised by it; for it explicitly declares in the 8th section, "That so much of the five millions of acres reserved for that purpose by the articles of agreement above mentioned, as may be necessary to satisfy the claims not confirmed by that agreement, which are embraced by the two first sections of this act, or which may be derived from British grants for lands which have not been re-granted by the Spanish government, be, and the same is hereby appropriated for that purpose and so much of the residue of the said five millions of acres or of the nett proceeds thereof as may be necessary for that purpose, shall be and is hereby appropriated for the purpose of satisfying, quieting and compensating, for such other claims to the lands of the United States south of the state of Tennessee, not recognized in the above-mentioned articles of agreement, and which are derived from any act or pretended act of the state of Georgia, which Congress may hereafter think fit to provide for, provided however, that no other claims shall be embraced by this appropriation, but those, the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose, at the expense of the party exhibiting the same, who shall pay to the person employed by the secretary of state for recording the same, at the rate of twelve and an half cents for every hundred words contained in each document thus recorded; nor shall any grant, deed, conveyance or other written evidence of any claim to the said lands, derived or pretended to be derived from the state of Georgia, and not recognized by the above mentioned articles of agreement, ever after be admitted or considered as evidence in any of the courts of the United States, unless it shall have been exhibited, and recorded, in the manner and within the time above-mentioned."

From this view I think it must be obvious to every person who has considered the articles of cession and the act of Congress, that neither in the one or the other are these claims recognised as valid. They are both very far from containing any covenant to compensate or compromise them. I know that truth is only to be sought by a slow and painful process: while error is very compendious and easy. We can with great ease hop and skip over truth, and perch upon assertion, and call it truth. But where shall we find in the articles of cession or the act of Congress any obligation to render compensation for these claims? We can find nothing— No such idea is inculcated: while we may find abundant proof to satisfy us that this assumption is without foundation, and cannot be supported.

Having settled, as I conceive, these preliminary points, I will call the attention of the House to the great point on which their decision must turn. Either the act of 1795 or of 1796 is in force. If that of 1795 is in force the claimants have a legal title to unascertained millions. If that act is not binding, they have no claim at all. If that act is of no authority there is an end of their title. The tree is cut up by the roots, and all its branches fall. They have either then a title to fifty millions, or they have no title at all. Their case cannot be compared to a common saying, which declares half a loaf better than no bread.

Now let us compare these facts and reasonings with the resolutions. When I rose I intended to have taken them up in order, but as I have been diverted by the course of the argument, I shall pursue the track I have taken. One of the resolutions states "that a subsequent legislature of an individual state has an undoubted right to repeal any act of a preceding legislature, provided such repeal be not forbidden by the constitution of such state, or of the United States."

This is, I think, a plain and clear axiom. Both legislatures flow from the same source and are armed with equal powers. What one legislature can do, another may undo, if the interest of the public prescribes it. I know an ingenious distinction is taken as to the power of a legislative body between municipal acts and those constituting contracts. The distinction holds to a certain degree as to expediency, but not as to power. When a legislative body forms a contract it is a solemn thing, and it ought not to be touched except when the private evil arising from its being annulled should rather be endured than the public calamity arising from its continuance. But still the position of the resolution is perfectly tenable. What one legislature has done another may undo; what one has enacted, a subsequent one may repeal.

Let us examine whether there is any thing in the rescinding act of Georgia at variance with the constitution of that state or of the United States. The whole course of the business shews the previous act to have been a violation of the constitution of Georgia. The constitution of the United States declares that no state "shall pass any *ex post facto* law, or law impairing the obligation of contracts." That no contract has been impaired is evident from attending to the sense of the word. I know of no contract formed, either in a legal or equitable sense. Did the constitution of Georgia authorise her representatives to rob the people of their property? Or did it authorise them only to dispose of it for their welfare? If they had a right to dispose of it in a wrongful manner it knocks up the argument at once. If they were vested with a right to rob and plunder their constituents I give up the point. But until this is shewn I shall remain of opinion that they only had the right of disposing of it for the general good. I am not about to travel through the fruitful wilderness of iniquity disclosed in the progress of this affair. But gentlemen say we have no evidence of corruption. What do they want more than we possess? The whole business has been referred to a set of commissioners, whose comprehensive powers embraced an investigation of every claim. They have fully examined the claims under the act of 1795; and they have reported that "A comparison of the schedule annexed to the articles, and which is declared to be a part of the agreement, with the yeas and nays on the passage of the act, authorising the sale (E) shows that all the members, both in the senate and house, who voted in favor of the law were with one single exception (Robert Watkins, whose name does not appear) interested in and parties to the purchase.

"The articles of agreement, and list of associates of the Tennessee company, which have been voluntarily furnished by one of the trustees, shows that a number of members of the legislature were also interested in that company."

This stubborn fact appears on the face of a report made by persons duly authorised to investigate the whole transaction. The fact is indisputable, and ought to satisfy the most reluctant and unwilling mind of the enormity of the corruption attending this business. It is fully satisfactory to my mind. But it is said that this statement is founded on *ex parte* depositions, and that no opportunity has been allowed to cross examine the witnesses. But where were they taken? In Georgia; in probably, the same House that witnessed the scene of disgrace; by a tribunal competent to take them and to enquire into facts. But say gentlemen, admitting the facts to be true, the subsequent rescinding act of Georgia was unjustifiable and is invalid; and notwithstanding a majority of those who framed it were corrupted, it is a binding law. I do not know, as I have before stated, any case strictly analogous to this. But I consider it as an universal principle that fraud vitiates every contract; and that consequently if this contract was entered into fraudently it was null from the moment of its formation. If a legislature should authorise a man to make a fraudulent conveyance, and he should make it, will gentlemen say it would be valid. They will not. But say gentlemen, there are parties who are innocent. I lament as much as any one, that persons of this description are likely to suffer. But a grant void at the period of its formation, cannot be valid at any subsequent stage. Void in its creation, no validity can acrue to acts under it. But gentlemen ask, if we have ever heard of a case in which two parties are equally guilty, of one taking advantage of the other. The general principle of the law is that where both parties are equally guilty of a fraud, the one in possession is in the best condition: A usurer cannot plead his usurious bond, and get into possession of the property pledged for its payment. So if a contract be made to dispose of land for a corrupt purpose, the party in possession may shew the fraud and keep the land and money. Why is this principle established? In order to prevent the parties from practising fraud; which is most effectually done by declaring that neither of the parties practising a fraud shall receive a helping hand from the law.

The opinion that the rescinding act is not obligatory is as novel as unfounded. Has it not been declared obligatory by the legislature and convention of Georgia? Have not the commissioners likewise declared it valid, in saying "that under all the circumstances which may affect the case, as they have come within their knowledge, the title of the claimants (under the act of 1796) cannot be supported." Has not congress authorised the commissioners to purchase the territory? In what situation then is the House placed provided the act of 1795 is valid? Are they not a set of land-jobbers? Have they not purchased land from Georgia which she had no right to sell? Are they not, at this moment, in proposing to give a part only of the lands conveyed by the act of 1795, declaring that act void, as much so as if they gave none? I cannot conceive in what point of view the subject can be placed without coming to the conclusion that the act of 1795 is void. And the proceedings of the House shews their perfect unanimity on this point; otherwise some gentlemen would be in favor of giving the whole fifty millions.

But we are told it is politic to satisfy the claimants, because they may be troublesome; they may bring ejectments and prevent the disposal of the public lands. Let us see if there is no remedy against this evil, and whether it is not pointed out by the act of the last session. Provision is therein made for registering and recording claims on the United States under the acts of Georgia. This provision goes to a great extent; it declares that unless the claimants observe certain forms they shall be debarred from giving evidence of their validity in any of the courts of the United States. If then Congress have power to declare the claims subject to certain forms, can they not say that no claim, title papers, or deeds under the act of 1795 shall be adduced in the courts of the United States, as well as to say that they shall only be adduced under certain prescribed forms?

Upon the whole, it appears to me most evident, on referring to the acts of Georgia, the articles of cession, and the laws of Congress, that the claims under the acts of Georgia have no validity. If, therefore, we give any thing, it must be from compassion, and not from the obligations of justice. Let the House, ere they do this, reflect whether there are not objects in the country equally worthy of their compassion. Let them visit the straw shed of the war-worn soldier who bled in the defence of our rights; the comfortless hut of the widow who lost her husband in battle. With but little search, we shall find a mountain of claims that overhangs the justice of the country. If after this view, we shall consider any unfortunate victims of injustice in this transaction entitled to compassion, I will agree to go as far as any man in affording them relief. But were we as rich as Crœsus, I would first administer relief to the Belisarius's of our country. Let us be just to these before we are generous to other descriptions of claimants.

In discussing the subject in this manner I have attested my entire correspondence with the sentiments of my friend from Virginia (Mr. Randolph) who has so ably advocated these resolutions. I believe that he has irrefragably substantiated the principles and facts they contain. I believe he has placed them on a solid basis, and has erected a pyramid of argument in their support which nothing can shake, and which terminates in a point that must lead to the rejection of the bill. I express this opinion with due deference to the ideas of gentlemen on the other side of the question; only observing, in language used on another occasion, that those who are disposed to censure me for my warmth will give me credit for my sincerity. Thinking as I do, I could not repress it. It was the first lesson of my youth to go where duty led; hitherto I have pursued that course. I have found it the road to conquest; and shall teach it to my children. Had I not, on this occasion, trodden this path, I should have considered myself unworthy of the confidence of those who have sent me here.

(To be continued.)

FROM THE LONDON STAR.

ST. DOMINGO.

The following particulars of the failure of a negociation which has been carrying on between our government and Dessalines, the governor of St. Domingo, has been received.

The British Agent was dispatched from Jamaica on the 21 January, on board the Tartar frigate, with proposals for a treaty, which had for their basis the original agreement between Gen. Maitland and Toussaint, with a few modifications and extensions favourable to the commerce of St. Domingo. The Tartar touched at first at Jeremie, a port on the south side of St. Domingo; but as Dessalines was at Port-au-Prince, she sailed to that town, and entered the harbour on the 15th. The British agent had the following day an interview with the governor-general, when numerous objections were made by him to the treaty, and amendments and additions were suggested, to which it was impossible to accede, so very extravagant were his demands. Dessalines wished to stipulate for universal commerce, and for freedom of navigation round the island to any distance from the coast his vessels might proceed. He also insisted on being supplied by us with arms, ammunition, and what was most extraordinary, with negroes.— From terms so excessive as these, no hopes could be entertained of any thing like a satisfactory issue of the negociation, and during five days more, while the British agent and his colleagues remained at Port au Prince, only another interview took place. Dessalines seized the opportunity of recapitulating a number of old grievances complained of by Toussaint, and tending to shew his doubts of our sincerity. He laid vast stress on the confidence reposed in him by the people of Hayti, and of the dignity and independence of his government, which obliged him to reject the terms we proposed, and to which he could not think of acceding, since the island was open to the commerce of the whole world, France excepted. To a proposition that he should put us in possession of the post of the Mole during the war only, he answered, that it was altogether impossible, that he had given orders to destroy all the fortifications on the land side of the town, which had been carried into effect at Port-au-Prince, and was to be done through the whole of St. Domingo. Our agent returned to Kingston with the proposals of Dessalines in writing, after a solemn promise that an agent should be sent from Gov. Nugent, at Jamaica, with all possible dispatch.

The promise was punctually executed, for the British agents did not remain quite a week at Kingston, when he embarked in the Fame frigate for St. Domingo, with Governor Nugent's ultimatum. With the exception of some trifling modifications, it differed little from our first proposals. The governor thought it, however, expedient to send presents to Dessalines and his principal officers, to the value of several hundred pounds, chiefly composed of hats, gold lace, epaulets and sabres. On the 10th February our agents were landed at Jeremie, but as Dessalines was at Aux Cayes, no interview took place until his arrival, which was the 25th. Instead of relaxing in the demands he had before made, he renewed all his objections, and even insisted as a preliminary, that we should furnish him with one million pounds of powder, equal to five hundred tons, with fifty thousand muskets and ammunition, fifty thousand sabres for infantry, five thousand sabres for cavalry, and fifty barrels flints. So extraordinary a proposal was a convincing a proof that he had no intention of treating with us; but it was considered the wisest course to assure Dessalines his demand should be laid before the governor of Jamaica. The agents returned to Kingston, and we understand, that in consequence of Gov. Nugent's dispatches, all idea of a treaty with the republic of Hayti was entirely relinquished.

It is added to this account, that the great mass of his officers and army are equally perfidious and brutal; and it is confidently maintained by those best acquainted with his character, that no treaty made with him, or any of them, can be kept sacred. Such a measure would inevitably expose the lives and properties of our merchants to the caprice of those ferocious banditti, who, if left to themselves, must fall a prey to each other. They have now an army of nearly 20,000 men on foot, without any material resources for its support. The troops are miserably cloathed, receive no pay, and would be shortly without the means of existence, as cultivation is neglected throughout the island, were we to declare the ports in a state of blockade. The actual ration allowed to each black soldier consists of a herring, and half a pound of bad bread. The whole population of St. Domingo is not now 150,000 souls, and of that number not more than 25 000 are effective males. This population, diminishing as it is, would decrease still more rapidly, were they deprived of all external succours. With a people so disproportioned to the standing army, it may be easily conceived to what a miserable state the plantations are reduced. The few which are still worked are cultivated by women, children, and old men; and all the sugar works and distilleries, except in a few instances, have been totally destroyed. A quantity of Taffia, sufficient for the consumption of the military only, is not made in the whole island, and not a single pound of sugar is to be obtained. It would seem from the sentiments expressed by Dessalines during his conferences with our agents, that he intends to make coffee and cotton the chief commodities of the island.

As the blacks naturally look to another attempt on the part of France to recover the island; their present system is to destroy all the fortifications round the towns, unless they protect the entrance of the harbours. Dessalines does not affect any mystery with respect to the plan of operations he has determined to pursue should the French effect a landing. Persons of every description are immediately upon the approach of the enemy, to retire with all their pro-