interior, it being one of Congress will go into port to be recruited and refitted—I settled commodore Barron at Norfolk—I was myself on tour to the United States in the frigate John Adams, capacity—I was, in this capacity and to the hand of commander not his superior—I shall accordingly return in that flag.

The service in this quarter cannot suffer from this arrangement, as capitain Decatur is not perform without a flag and my return will immediately place him in the exercise of the duties attached to that commission, which he has so gallantly earned, and his country generously bestowed, I shall feel a pleasure in bearing the Commodore under the command of that officer, while enterprising and manly conduct I have ever seen in him and whose merits eminently entitle him to be under a commodore.

Of the commodore merit the highest commendations for their prompt obedience to orders on all occasions, and for the cool, judicious and gallant manner they displayed in this several attacks on the enemy's shipping and batteries, as well as for the general good order & discipline at all times observed on board their respective vessels. The officers in the squadron have conducted themselves in the most gallant and handsome manner; and the conduct of the officers, ship's companies has merited my warmest approbation. Sir I have had the honor to command them.

It affords me much satisfaction to advert, that we have neither had a lost nor court martial in the squadron since we left the United States.

I feel sincerely regret the loss of our gallant countrymen who have sacrificed their lives to the honor of the service, and that it has not been in my power, confident with the interest and expedition of our operations, to liberate captain Bainbridge and the unfortunate officers and crew of the Philadelphia. He suffered, Sir, I believe more than any other, to effect this desirable object. I have no doubt but my sacrifice will be able to effect the wished for end, and establish peace on high terms as will reflect the English honor on Bainbridge and his country.

September 17th. Arrived at Malta with the six captured Greek vessels. We experienced very bad weather, but had the satisfaction to learn that the Turkish squadron had universally left on Syracuse the 13th instant without accident. Much of the Turkishe gunboats which we have captured has been heavily shattered, and a handsome corpse gun in the bow, which carried by the ground, that is 11 1-2 feet long and weighed 6600 pounds.

I send you a plan of the town and harbor of Tripoli, with the disposition of our squadron, and the enemy's fleet, at the time of the several attacks, with sundry other papers.

I have the honor to be,
With the highest respect,
Sir,
Your most obedient servant,
EDWARD PREBLE.

United States ship Constitution,
Malta harbor, Sept. 17th, 1804.

HONORABLE
SECRETARY OF THE UNITED STATES
NAVY, WASHINGTON.

# Congressional Register.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JANUARY 20.

## DEBATE ON THE GEORGIA CLAIMS.

[*Continued.*]

MR. RUSTIS. If the petition taken by the Legislature of Virginia, (Mr. Clark) cone be established, it would not in my opinion justify the amendment which is proposed to the resolution under consideration, because the amendment renders the resolution null and void, and the resolution neither affirms nor admits the legal title. Still I should be willing to vote the amendment, if the scale on the question, whether the claimants at the time of making their purchases had or had not a knowledge of the fraud. In the autumn of 1795, when the sales were generally made, I, (and, there was no knowledge, no suspicion of fraud—the contracts were made in confidence and in the most sacred honorable manner—I know they could have had no knowledge of fraud in the legislature of Georgia. We are told by the gentleman, that there was "a great spirit of speculation in the State of Georgia" whatever might have been the nature or extent of this spirit, I am confident there was no spirit of it had not reached New England at the time the contracts were made. In the period that I was one of the knowledge of any fraud, depends not on the opinion or assertion of individuals, it is founded on a circumstance which removes all doubt on the subject; it is founded on the prior which the purchasers paid for the lands. They paid, as they have stated in their memorial, as much as ten cents for their lands as the State of Massachusetts had received a few years before, for lands lying in the State of New York; and it is probable that the purchasers who have been arrested by a gentleman from Pennsylvania, to be filling to much legacity and looking to well to their contracts, would have paid so much for the lands, if they had a knowledge that the original grant, had been fraudulently obtained?

It is also contended by the gentleman, that the claimants had knowledge of the rescinding act, in 1796. This was impossible in points of time—The sales were generally made in 1795—the rescinding act was passed in January 1796. It follows then that they were incapable of having a knowledge of the fraud or of the rescinding act. Two objections have been made to the rescinding from Pennsylvania, and relied on by the gentleman from Virginia, the first is, "that the original grantees purchased generally twenty millions of acres, when it appeared that forty millions were contained in the grant, and secondly" this was a transaction between the original grantees and the legislature of Georgia in which the present claimants had no agency, and for which they are not responsible. The first objection is said to be found in the deeds of the claimants, where it is contended they have acknowledged, evidence against themselves in the following words "and fifty thousand acres of land, lying, situate and underlood by and between the parties to these presents, that neither the grantees nor grantees, nor their heirs, factors, or administrators, shall be held to any further or other warrantee than as herein recited, and shall have no claim finding any money in consequence of the State of Georgia, or any other State in Georgia, if such there should hereafter appear to be." It is it contended is an acknowledgment on the part of the claimants of a defective title. Let us now turn to the act of Georgia of 1795, and see what is the original title we have. We there find a clause of the following words, "and provided further, that this grant shall not be construed to mean, or no one therefor be subjected to any suit at law or equity, or any other tribunal whatever, for, or on account of any deficiency in the quantity of the land mentioned, on account of any deficiency of the purchase money to be paid so aforesaid, by any necessary which may be made, by the Legislature of this State, or claims whatever." The two defiance contained in a great degree—the first, the guard of a division of fraud or a doubt of their title, conforms the second, the acknowledgment by the claimants of the validity of their title and their confidence in the act of Georgia.

It is further contended that the petitioners have no equitable claim on the government, that if the petition prayed, then ought not to be adopted. The equity of the claim depend on a fair adjudication on the facts, on the fact that they have purchased the lands and paid a valuable consideration for them. This constitutes the evidence of the claim, and has produced the solution now before us. The legality of the claim is not under consideration. The legality of the claim can only be decided by the courts of law where the title to the whole of the land, would be effectually adjudicated, but the title should be established and confirmed, the United States would have no right to profits or eligible of any part of it, although they have contributed to pay the State of Georgia 1,200,000 dollars and to extinguish the Indian title to other lands.

The resolution proposes an equitable compromise and settlement, and that the claimants shall be compensated out of the million of the five millions, or the proceeds of the sales of the lands reserved for the purpose in the third article of the agreement and cession, by which the State of Georgia ceded to the United States.

When the state of Georgia was about making the cession of the claims, they prayed to extend their caveat to the compliance of the U. States against their proceedings, for that they had purchased and paid a valuable consideration for the lands, and therefore, they ought to be compensated out of the proceeds of the sales of the lands reserved for the purpose in the third article of the agreement and cession, by which the State of Georgia ceded to the United States. Georgia in the cession of the claims,