selves to an examination of them? The first question would be, are they entitled to claim any thing? If so, would the house do them justice or not. It was the greatest injustice to stop a claim, alledged to be just, at the very threshold of the House.

Mr. *Troup* asked, if, as had been stated, he had treated this subject in a declamatory stile, in what mode could it be treated? He put it to the gentleman's liberality, he put it to the House and to the world, if it was not more becoming to resist with vehemence the introduction of corruption, than to support it with his deliberate understanding? What, sir, said Mr. Troup, would you say to a murderer who should rush into this hall with his knife yet reeking with the blood of a fellow man? Would you stop to reason with him on the turpitude of the act? I have no objection to reason upon it, if the House think proper to send it to a committee; and if they do, if I do not prove it, as called by the gentleman from Mississippi, one tissue of corruption in all its ramifications, I hope the House will never again give me credence. I will prove not only that the Legislature who made the grant were corrupted, but that these people who pretend ignorance were parties to it, *participes criminis*, and ought to be treated as the original actors in it. Mr. Troup then made some observations with a view to shew that a question of rejection ought to take place of a question of reference, because if the House refused to refer it to one committee, it would be moved to refer it to another, and there would be no end of the business.

Mr. *Sheffey* wished to know if the motion for reference could not be divided, so as to take a question first generally on its reference, and afterwards decide to what committee it should go?

The *Speaker* conceived not.

Mr. *Pitkin* remarked that he never knew a petition to be rejected on its first reading. A motion might be made tantamount to a rejection, but the rejection of a petition, unless its language was indecorous, was unprecedented. The right of petition was one secured to the people of the United States by the constitution; and so long as petitions were couched in decorous language, he contended that it was not in the power of the House to reject them. The parliamentary practice he understood to be to examine, in doubtful cases, whether the language of a petition was decorous, and even to appoint a committee for that purpose. If found to be consistent with decorum, a motion could not be made to reject a petition on its presentation. He thought it incorrect at this time to go into the merits of the petition, which he wished to take the usual course of reference to a committee, whose report would prepare the subject for discussion.

Mr. *Ross* said, being totally unacquainted with the subject but through the medium of newspapers, from what had been said on both sides on the present occasion, he thought it important that the petition should be referred. If it were true, as alleged by those opposed to the reference, that gross and palpable fraud had been committed in relation to the claim set up by the petitioners, he asked whether it was not all important to the interests of the United States that it should now be decided on, when there were so many living witnesses of the fact? Was it not important that a report should now be made, spreading to the public view the gross and palpable fraud which attached to this whole transaction? If, on the contrary, the transaction had been fair and *bona fide*, and the persons implicated had been injured, it was but fair and right and reasonable that justice should be dealt to them. For himself he was not disposed to stifle a petition in the first outset, by rejecting it, when the terms of it were decorous to the House. He could know nothing further on this subject than had been suggested by different members of the House. It could not be expected that gentlemen who were new members of the House, could consent to refuse to give to this petition the usual course.

Mr. *Bibb* said he should not have said any thing on this question, because he cared very little whether the petition was referred or not—for he was very sensible that there was a large majority of the House against complying with the prayer contained in it—but for the remark of the gentleman last up, who seemed not well to have understood the history of this business. It had been before Congress almost every session for five or six years, and one session a bill had been received from the Senate in favor of the claimants; the subject was then investigated maturely, and, after a full discussion, the bill had been rejected on its first reading.

Mr. *Macon* said that a few years ago it had been attempted to establish the practice of refusing to refer all petitions once decided against except new testimony had been produced relative to them. This appeared to be reasonable; for if the House were called upon to decide on petitions year after year on the same testimony, there would be no end of them. He quoted the journals to shew that this had been the case in some instances. Mr. M. said if all the time of the House that had been occupied on this subject were put together, it would make one of the longest sessions that had ever taken place under the government. It is a standing dish, said he. The petitioners will not believe you when you say *no* to them. I believe I am the last man in the House who would throw the smallest shade of doubt on the right to petition. But, sir, after petition and petition, after you have said *no* and *no* and *no* again, is there to be no end to it? I do not understand the argument used on this question that the petitioners are respectable and numerous. Every man petitioning here has the same right to have his petition attended to; no matter what be his standing in life, if right be on his side, it ought to be done to him. If the President were to come here with a petition, he would have no more claim to attention than if he was a beggar at our door. Their rights are perfectly equal. Sir, if there be merit in the claim, there is no occasion to tell us of the merits of the petitioners; if there be not, their merit will not avail it. I did not attend to the reading of this petition, sir, but I should not be astonished if it had told you that the Senate had once passed a bill on the subject. I have been long enough in this body to see the possibility of getting any claim through the National Legislature by a step at a time; for at last every attention heretofore given to it passes as a good argument in its favor. I believe, with the gentleman from Georgia, that there is scarcely a man in the nation who does not know that the transaction originated in fraud. I recollect a gentleman from Vermont told us here that the fraud was as well known in Vermont as in Georgia. Why, sir, the newspapers rung with it. Upon the very spot where the scene took place, what was done? Almost every man in the Legislature who was concerned in it was hurled from his seat, and what was called the rescinding Legislature followed. That cannot be good which originated in fraud, in sin, in iniquity, in the most flagrant political iniquity ever known. Nothing we can do can make it righteous. Gentlemen may talk as they please of declamation, but the most eloquent speech I ever heard in my life was on this subject from a gentleman from Virginia (Mr. Randolph) which then put an end to all opposition on the subject. I could almost wish to postpone this question to hear the gentleman again speak on it—I believe was the most eloquent speech ever made within the walls of this House. Mr. M. said the testimony on this subject had been printed over and over again. He recollected it had been stated that on examination of the clerk's library, the whole of the testimony on this subject had been torn out of the volume of printed documents of the year in which it had been laid before the House. Sir, to keep this petition out of these walls, I would be willing to vote to give the state of Georgia a sum equal to what we have given for the land, to take it back. We made a bad bargain with her; I thought so then and I think so still.

At one time, sir, we are told that these people can sue for this land and recover it. Let them do so. I for one will make no compromise with them. Can any man believe they would be willing to take the fragments which are not yet taken up of five millions of acres, if they had a legal and just claim to the whole? It does not tell. If I believed that I had a just claim to the whole Indiana territory and that I could recover it, do you believe, sir, that I would take the fragments of five millions of acres of which the best has been picked out? No sir—I would have all or none. This claim has never come up at any time at which the merits of it have not been discussed. If no vote had ever been taken on it, I would vote to-day to refer it. There ought to be a time to begin and a time to end; and this bill has had both; and, sir, it is a little remarkable that at the time a motion was made to reject it some years ago, we were discussing the state of our foreign relations. Such is now our situation; & up comes this claim again. If it had never been referred I would now vote for it; but it has already been once decided, and I would not refer it again. It is due as well to the petitioners as to ourselves to settle this question, to refuse to pay attention to their petition.

Mr. *Dana* said he felt the impropriety of going into the discussion of the merits of the claim on a motion to refer it; but he rose simply to state to the House what was contained in the report of the commissioners on the subject already alluded to. [Mr. Dana read a part of the report.] In doing this he did not enter into the merits of the claim, but was merely desirous to shew that there were persons high in public confidence who really had thought it so worthy of consideration that they had recommended a compromise; and, it would not be easily admitted that this was so notorious a fraud on the part of the applicants that they should be branded with infamy, and yet that these gentlemen should have been willing to make a compromise with this iniquity. He did not feel himself at liberty to suppose that any public officer would propose a compromise of a claim so utterly improper that this House ought not even to listen to it.

Mr. *Pitkin* observed on Mr. Macon's idea of refusing to refer petitions once acted on by the House, that he did not apprehend that the petition before the House was one with which this course ought to be taken. It would be unnecessary to say that a report had once been made in favor of it; and, although not assented to by the House, there had very often been nearly an equal division on the subject. Instances would be found on the journals where petitions had been decided against and yet which had been repeatedly referred. He hoped the usual mode of proceeding would be adopted in relation to this petition. He did not believe, whatever fraud might have attached to the original purchasers, that it could attach to those who purchased subsequently. The gentleman from Georgia had said that he could prove the contrary. Let the question then be examined, and if the gentlemen had any proof let it be produced. Mr. P. said that for his part he had never seen any such testimony. He had been acquainted in substance with the transaction at the time the Georgia land was sold, & he had never heard that the petitioners were connected with the fraud. If so, let it be proved before a committee and let the fact be reported to the House. It was certainly a question of great moment as it respected the petitioners and as it respected the U. S. and ought to be examined.

Mr. *Livermore* thought that the honorable gentleman from Georgia had furnished a strong argument in favor of a reference of the petition. If he had understood him correctly, the gentleman had undertaken to say that he could prove that these petitioners were *participes criminis* in this fraud practised concerning the state of Georgia. If that were the case and the gentleman was prepared to make good the assertion, it was surely a reason why the petitioners should have a fair hearing. He said that a charge of serious import had been exhibited to the world, that a number of gentlemen petitioners, asking for justice, had been so guilty of fraudulent practices that their petition should not even be referred. He submitted it to the House whether it would not be cruel to let this go without enquiry. The committee to whom it should be referred would report facts; for, Mr. L. said, he had great doubt, to say no more of it, whether there were good grounds for this assertion—he said this from a knowledge of the characters who petitioned. He did not contend, as seemed to be supposed by a gentleman from North Carolina (Mr. Macon) that one man had a better right to have his petition heard than another, because all citizens had equal rights. The respectability of character of the petitioners had not been mentioned as a reason why their prayer should prevail, but to rebut the assertion that they were profligate characters, guilty of such fraudulent transactions as to justify Congress in refusing them a hearing. He should wish them only to be treated as other petitioners, to hear every thing for or against their claim. It was no argument, he said, against their claim, that we were on the eve of a war—he hoped that calamity was far from us—and if it were not, it could be no argument against a just claim. He hoped it would be connected with no political question, but stand on its own merits. What argument either was it against their claim to five million or to a less number of acres of land, that they were entitled to a much greater portion? They must take what they could get, when it was not in their power to get the whole to which they were entitled. Upon the whole, he could not conceive why an investigation should be denied.

Mr. *Upham* said a few words, not distinctly heard by the reporter, in favor of a reference. He urged as a reason why it merited that attention, that it had heretofore received the sanction of commissioners appointed to enquire into it, of one branch of the National Legislature, and of a committee of the House.

Mr. *Gardenier* moved to adjourn.—Negatived, Ayes 18.

Mr. *Stanford* quoted a message of Gen. Washington to Congress, soon after the passage of the acts of the legislature of Georgia making this grant, in which he communicated these acts to Congress, and recommended them to their attention. If alarm had been excited in the mind of Washington by the passage of these acts so far as to induce him to communicate them to Congress within 15 or 20 days after their passage, it was conclusive evidence that the suspicious nature of their transaction could not have been unknown to the petitioners at the time they purchased the claim.

The question of reference was then decided by Yeas and Nays as follow:

YEAS—Messrs. Anderson, Bacon, Blaisdell, Boyd, Breckenridge, Campbell, J. C. Chamberlain, W. Chamberlin, Champion, Chittenden, Cutts, Dana, Davenport, Ely, Emott, Findley, Fisk, Gannett, Gardner, Goldsborough, Gold, Hale, Haven, Heister, Helms, Howard, Hubbard, R. Jackson, Lewis, Livermore, Livingston, Matthews, M'Kee, Miller, Milnor, Morrow, Moseley, Newbold, Pitkin, P.B.Porter, Potter, Quincy, Root, Ross, Sheffey, Southard, Stedman, Stephenson, Sturges, Swoope, Tallmadge, Thompson, Tracy, Turner, Upham, Van Rensselaer, Weakley, Wheaton, Whitman, Wilson—60

NAYS—Messrs L. J. Alston, W. Alston, Bard, Bassett, Bibb, J. Brown, R. Brown, Butler, Calhoun, Clay, Cobb, Cochran, Cox, Crawford, Crist, Dawson, Desha, Eppes, Franklin, Gardenier, Gholdson, Goodwyn, Gray, Hufty, Kenan, Kennedy, Lyle, Macon, Marion, M'Bryde, M'Kim, Montgomery, N. R. Moore, T. Moore, Nelson, Newton, Nicholson, Pearson, Rea, (P.) Richards, Roane, Sage, Sammons, Seaver, Smelt, Smilie, G. Smith, J. Smith, S. Smith, Stanford, Stanley, Taylor, Troup, Van Horn, Whitehill and Witherspoon—56.

Majority for reference—4.

[The following gentlemen did not vote on this question:—Messrs. *Burwell*, Clopton, *Cook*, *Denning*, *Holland*, J. G. Jackson, *Jenkins*, Johnson, Jones, Key, *Knickerbacker*, Love, *Lyon*, *Mumford*, *Pickman*, J. Porter, *Randolph*. Rhea of Ten. Sawyer, Seybert, Shaw, Taggart, *Van Dyke*, *Winn*.—24; of whom those in *Italic* have not appeared in the House during the present session.]

Friday, December 15.

On motion of Mr. *Southard*,

Resolved, That a committee be appointed to enquire into the propriety of passing a law to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives and to compel the attendance of witnesses; and that the committee have leave to report by bill or otherwise.

Mr. *Johnson*, from the committee of Claims, made an unfavorable report on the petition of John Murray.—Committed to a committee of the whole.

YAZOO CLAIM.

Mr. *Troup* moved a resolution for printing for the use of the members of the House, in consequence of what took place yesterday, the usual number of copies of the act of Georgia, passed in 1796, commonly called the rescinding act; of the constitution of Georgia of 1789; of the constitution of the same state of 1798; of the report of the commissioners appointed in pursuance of an act for the amicable settlement of limits within the state of Georgia, &c. made on the 29th of November, 1804; and of the articles of settlement and agreement between the U. S. and Georgia. He said he had included in the motion the constitution of Georgia of 1789, because it would shew that the Legislature of 1795 had no right to make the grant; and the constitution of 1798, because in it the convention had in the most solemn manner ratified the rescinding act. Mr. Troup made some observations as to his motives for making this motion, in too low a tone of voice to be distinctly understood by the reporter.

Mr. *Bacon* said he was not opposed to this motion but in favor of it; but there were probably some other papers which it might be proper to connect with these. He asked the favor of the gentleman to let it lie on the table till he could ascertain what papers it would be proper to add to them.

Mr. *Troup* consenting, the motion was ordered to lie on the table.

The bill to revive an act for the relief of the British refugees from Canada and Nova Scotia, was read a third time and passed.

BATTURE AT NEW ORLEANS.

On motion of Mr. *Sheffey*, the House took up for consideration the resolutions on the subject of the Batture laid on the table by him a few days ago.

Mr. *Sheffey* laid on the table several certificates and other papers relating to this subject.

Mr. *W. Alston* moved to refer the resolutions to the committee of Public Lands, to whom had already been referred a memorial of the corporation of New Orleans on the same subject, and a resolution for vesting in them the right of the U. S. to the Batture.

This motion was negatived, 52 to 49

The resolutions of Mr. *Sheffey* were then ordered to lie on the table on motion of Mr. Nelson, with a view to make way for the following motion.

Mr. *Nelson* moved to discharge the committee of Public Lands from the further consideration of the papers on this subject referred to them, with an intention to refer them, together with Mr. Sheffey's resolutions, to a committee of the whole House.

This motion finally prevailed, 57 to 51; but, from the lateness of the hour, (4 o'clock) no question was taken on the reference to a committee of the whole.

On these several questions a diffuse debate of more than three hours arose; in which Messrs. Alston, Smilie, Poydras, Macon, Eppes and Gholson advocated a reference to a select committee for the purpose of preparing a report of the facts on the case and reporting their opinion thereon; and Messrs. Sheffey, Nelson, Ross, Gardenier and Key supported the proposition to send the papers to a committee of the whole in the first instance, and thus to bring them more immediately before the House.

[The arguments in favor of a reference to the committee of Public Lands, or to a select committee, were generally, that it was improper, on the ground of the equal rights of all petitioners, to give to the claim of Edward Livingston a direction different from that given to other claims for land now held by the United States; that petitions of persons appealing from the decision of the commissioners appointed by the United States to try titles to land had always taken that course; that but yesterday the petition of the Yazoo claimants, involving a claim of at least equal magnitude with that now under consideration, had been referred to a select committee to enquire into it, and no other reference had ever been asked of it; that the claimant could have nothing to fear from the report of a select committee, as on that report there would be ample scope for discussion; that the circumstance that almost every one who spoke on the subject differed as to facts from the gentleman who preceded him, was evidence of the propriety of having a report of facts made which could be depended on; that, although the House were not asked by the petitioner to try his title, but merely to designate a proper tribunal to do it, yet they were asked in the mean while to reinstate him in possession of the land from which he had been ousted, and that they could not consistently do this until they were convinced by facts that the petitioner had a color of title and was not an unwarranted intruder on the public land.

On the other hand, it was contended in favor of a reference to a committee of the whole, that this was not a case which could be identified with ordinary claims for Public Lands, which were generally referred to a committee of that name, for it was a case in which it had become a question whether the lands claimed were Public Lands or not; that the propriety of passing Mr. Sheffey's resolutions depended materially on the construction of a statute and on a constitutional question, on which topics it was not peculiarly the province of the committee of Public Lands to decide; that this was not a case in which the House were asked to decide on a claim, but to appoint a tribunal for the purpose of deciding it, and it was therefore unnecessary for them to have a report of a committee minutely stating facts and investigating the legality of the title; that it was sufficient to induce the House to establish some tribunal to try the title, to know that the petitioner had once been in possession of the property claimed, and therefore had a color of title; and that the propriety of reinstating him in possession of the land could no where with more propriety be first discussed than in committee of the whole, which course also would afford a prospect of coming to an earlier decision on the subject of the Batture.

In addition to these observations, gentlemen on both sides entered somewhat into a discussion of the relative merits of the titles of the United States and of Edward Livingston, and an examination of the questions of law and fact involved in it.]

MR. JACKSON'S CIRCULAR, &c.

The following Message was received from the President of the U. States, by Mr. Graham:

To the House of Representatives of the United States.

According to the request of the House of Representatives expressed in their resolution of the 1st inst. I now lay before them a printed "copy of a paper purporting to be a Circular letter from Mr. Jackson to the British Consuls in the United States," as received in a Gazette at the Department of State; and also a printed paper, received in a letter from our minister in London, purporting to be a copy of a despatch from Mr. Canning to Mr. Erskine of the 23d of Jan. last.

JAMES MADISON.

December 12, 1809

[The first paper enclosed was the Independent American of Nov. 21, & the second piece cut out of a London news-paper.]

On motion of Mr. Quincy, these papers were ordered to be printed—for the motion 59—against it 40.

And the House Adjourned to Monday, Ayes 74.

IN SENATE,

Wednesday, December 13.

Mr. *Meigs* gave notice that to morrow he should ask leave to bring in a bill to authorise the surveying and making of certain roads in the state of Ohio, as contemplated in the treaty of Brownstown, in the Michigan territory.

Thursday, December 14.

Agreeably to notice given, Mr. *Meigs* asked and obtained leave to bring in the above mentioned bill, which was read, and passed to the second reading.

Friday, December 15.

The abovementioned bill was read the second time and committed to Messrs. Meigs, Bradley and Pope, to consider and report thereon to the Senate.

The resolution yesterday submitted by Mr. *Leib* calling upon the President of the United States for a copy of the correspondence between him and the Governor of Pennsylvania in the case of Gideon Olmstead, was agreed to.

The bill to incorporate religious societies in the District of Columbia