TENTH CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, OCTOBER 26.

This being the day fixed by the proclamation of the President of the United States for the meeting of congress, a majority of the members of both Houses convened at the Capitol.

The assistant clerk of the House of Representatives having called over the names of the members, announced 117 members and one delegate to be present.

He then enquired if it were the pleasure of the House to proceed to the appointment of a Speaker, which being determined in the affirmitive, the members proceeded to ballot for that officer, Messrs. Cutts, Helms and John Campbell being named tellers.

The tellers, after examining the votes, reported that 117 were received, and Joseph B. Varnum, a representative from the state of Massachusetts, having 59 of them, was declared to be duly elected.

The votes were given as follow, viz:

Joseph B. Varnum. .	59
Charles Goldsborough, .	17
Burwell Bassett, . .	17
John Masters, . .	8
Thomas Blount, . .	7
John Dawson, . .	4
John Smilie, . .	2
Benjamin Talmadge, .	1
Timothy Pitkin, . .	1
Roger Nelson, . .	1

The Speaker being conducted to the chair, by Mr. Van Cortlandt and Mr. Alston, addressed the House as follows:

Gentlemen of the House of Representatives,

You will please to accept my most greateful acknowledgements for the honor which by your suffrages on this occasion you have conferred upon me. I am sensible of my own inability to perform the important duties you have been pleased to assign me, in the most desirable manner; but relying on your candor and readiness to afford me your aid, I accept the trust. And be assured, gentlemen, that it will be my assiduous endeavor to discharge the duties of the office faithfully and impartially; and in a manner which in my opinion shall be best calculated to meet your wishes and afford me the consolation of an approving conscience.

which had been set proceeded to the election having been named some tellers on this, the members proceeded to it. It appearing to the tellers, on examining the votes, that one of the members had, by mistake, voted twice, the balloting, after a few desultory remarks, was set aside, and a fresh one taken, the result of which was as follows:

Nicholas B. Vanzandt,	37 votes.
Patrick Magruder. .	26
James Elliot, . .	16
J. W. King, . .	16
—— . .	14
—— . .	5
—— . .	1

No person having a majority of votes, another balloting took place, the votes of which were,

N. B. Vanzandt, .	52
P. Magruder, .	28
J. Elliot. . .	15
J. W. King, . .	10
W. Lambert, . .	7
T. Hansford, . .	4
C. Mimfie, . .	1

A third ballot was about to take place when

Mr. Randolph, rose, and observed that he never felt more reluctance in addressing the House than on the present occasion; but a sense of the duty which he owed to that body, and which he should always endeavor to fulfil to the best of his ability, impelled him to speak. He perceived among the candidates for the office of Clerk of that House—a high and honorable trust—a person who came before him in such a shape, and under such circumstances, that were he to withhold the information, which he was about to give, from the House, and this person should be elected, he could not answer for the neglect. The person to whom he alluded had a plurality of votes on the last ballot. This person, the session before the last, was chief clerk in the office of Mr. Beckley. There was an order of the House that the doors should be closed. The Clerk is a sworn officer, bound not to divulge the proceedings of the House on such occasions.—He did his duty; but the assistant clerks did not perform theirs. They posted themselves at the gallery door, where, it was found, on examination, that every word could be as distinctly heard as on the floor of the House. These clerks heard the debates which took place, and the person to whom he had alluded was one of them. Mr. R. said he had heard repeated some of the expressions which he had used in the House, before he reached his lodgings at George town.—This person came to him afterwards and apologized for his conduct. Here Mr. Vanzandt (the clerk alluded to) making a motion of his head, significant of his dissent from the truth of this allegation, Mr. R. said he perceived that what he said was contradicted, and was about to sit down. The speaker desired him to proceed. He said he must decline entering into a contest of this kind, and added only, that a person who was capable of violating his duty in a subordinate trust, certainly ought not to be elected to the important office in question.

Mr. *Alston* thought the House ought to adjourn in order to afford an opportunity of examining into this matter, and made a motion to this effect.

This motion was negatived.

The propriety of postponing the appointment of a Clerk till to-morrow was suggested, in order that the House might proceed with other business. A motion made for this purpose was negatived.

The *Speaker* informed the House that he had received a letter from the person officiating as Clerk, which he was requested to lay before the House. The letter was read by the Speaker. It desired permission to be heard at the bar of the House, in order to disprove the assertions which had been made by the member from Virginia in respect to the writer's conduct at a former session.

Mr. *Smilie* hoped no order would be taken upon this letter. He thought the request to be heard at the bar of the House, a very extraordinary one, and if listened to might form a dangerous precedent.

The House proceeded to another balloting for Clerk, the result of which was,

Patrick M'Gruder,	52
James Elliot,	27
Nicholas B. Vanzandt,	16
Josias W. King,	9
Theodosius Hansford,	5
William Lambert,	8
	117

Fifty nine votes being necessary to a choice, another balloting was immediately had, when Patrick Magruder was declared to be duly elected, he having 72 votes. The votes given to the other candidates were not announced.

The House then proceeded to the qualification of its memhers. The oath of office was administered to the Speaker by Mr. Van Cortlandt, and the Speaker qualified the members and the clerk.

A message was received from the Senate, informing the House, that they had appointed Mr. Anderson and Mr. Bradley a committee to join a committee of that House, in waiting on the President of the U. States to inform him they were formed and ready to receive any communications which he might have to make to them.

[illegible] committee of the House pointed to join the Committee from the Senate. The following gentlemen were named by the Speaker to form that committee, viz. Messrs. Bassett, Goldsborough, and Masters.

Mr. *Randolph* moved, that the rules of the last session should be considered as the rules of the present session, until otherwise determined.—Agreed to.

The House adjourned at about half past three till 11 o'clock to morrow.

TUESDAY, OCTOBER 27.

Mr. *Bassett*, from the committee appointed yesterday to wait upon the President of the U. States, to inform him Congress was formed and ready to receive any communication he might have to make to them, reported, that he would make a communication to the two Houses by message at 12 o'clock this day.

Accordingly at 12 o'clock the message of the President was delivered by his Secretary (a copy of which is inserted in to day's paper) which, after being read, was committed to a committee of the whole House on the state of the Union, and 1000 copies ordered to be printed.

An election took place for a Serjeant at Arms, which, after two ballotings, issued in favor of Thomas Dunn.

Thomas Claxton was appointed Door Keeper without opposition, and Jesse Edwards, assistant Door-Keeper at the first ballot.

Mr. *Dawson* moved the appointment of the Standing Committees; but a difference of opinion arising whether they should be named by the Speaker as heretofore, or elected by ballot, the appointment was postponed till to-morrow.

WEDNESDAY, October 28.

The following standing committees were appointed:

Of Elections—Messrs. Findley, Williams, (S. C.) M. Clay, Lambert, Blake, Sturges, Elliot.

Of Claims—Messrs. Holmes, Moore, (S. C.) Nelson, Pitkin, Seaver, Johnson, Humphreys.

Of Commerce and Manufactures—Messrs. Newton, M'Creery, Cutts, Dana, Marion, Thomas, Porter.

Of Ways and Means—Messrs. Campbell, (Ten.) W. Alston, Eppes, Smilie, Tallmadge, Fisk, Montgomery, (Md.)

Of Public Lands—Messrs. Boyle, Morrow, (Ohio) Goodwyn, Russell, Darby, Ely, Smelt.

Of Revisal and Unfinished Business—Messrs. Clopton, Van Rensselaer, Durell.

Of Accounts—Messrs. Moore, (of Md.) Stedman, Milnor.

The House then adjourned.

PRESIDENT's MESSAGE.

THIS DAY *at 12 o'clock, the PRESIDENT of the* UNITED STATES *communicated, by Mr.* COLES, *his Secretary, the following MESSAGE to both Houses of Congress.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

Circumstances, fellow-citizens, which seriously threatened the peace of our country have made it a duty to convene you at an earlier period than usual. The love of peace, so much cherished in the bosom of our citizens, which has so long guided the proceedings of their public councils, and induced forbearance under so many wrongs, may not ensure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas for years past, the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity wherewith, to propose arrangements which might embrace and settle all the points in difference between us; which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on condition of some equality. After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration: candidly declaring to the other negociators, at the same time, that they were acting against their instructions, and that their government therefore could not be pledged for ratification. Some of the articles proposed might have been admitted on a principle of compromise, but others were too highly disadvantageous: and no sufficient provision was made against the principal source of the irritations and collitions which were constantly endangering the peace of the two nations.—The question therefore whether a treaty should be accepted in that form could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly training, and further concessions authorised than could before have been supposed necessary: and our ministers were instructed to resume their negociations on these grounds. On this new reference to amicable discussion we were reposing in confidence, when on the twenty second day of June last, by a formal order from a British admiral, the frigate Chesapeake, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of our crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I immediately by proclamation, interdicted our harbours and waters to all British armed vessels, forbade intercourse with them and, uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was dispatched with instructions to our ministers at London, to call on that government for the satisfactton and security required by the outrage. A very short interval ought now to bring the answer which shall be communicated to you as soon as received; then also, or as soon after as the public interests shall be found to admit, the unratified treaty and proceedings relative to it shall be made known to you.

The aggression, thus begun, has been continued on the part of the British commanders, by remaining within our waters in defiance of the authority of the country, by habitual violation of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggravations necessarily lead to the policy either or never admitting an armed vessel into our harbors or of maintaining in every harbor such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests. But the expense of such a standing force, and its inconsistence with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we are the army of a foreign power, from entering our limits.

To former violations of maritime rights, another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them. And being now a war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled; no measures having been taken on her part, since my last communications to Congress, to bring them to a close. But under a state of things which may favor reconsideration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort.—With their subjects on our borders, no new collisions have taken place; nor seem immediately to be apprehended.—To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree which professes to be conformable to that of the French government of Nov. 21 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communications. These however gave reason to expect such a conformity.

With the other nations of Europe our harmony has been interrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period, and as likely to continue as that of any other nation.

Among our Indian neighbors in the north western quarter, some fermentation was observed soon after the late occurrences threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger: instructions were given to require explanations, and, with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely [illegible] with us, and to their peace with all others. While those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our south western quarter, much advanced beyond the others in agriculture and household arts, appear tranquil and identifying their advancements. With the whole of these people, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors, and perseverance in those occupations and pursuits which will best promote their own well being

The appropriations of the last session, for the defence of our sea-port towns and harbours, were made under expectation that a continuance of our peace would permit us to proceed on that work according to our convenience. It has been thought better to apply the sums then given towards the defence of New-York, Charleston, and New-Orleans chiefly, as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gun-boats too already provided have, on a like principle, been chiefly assigned to New-York, New-Orleans and the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels, in sudden attacks on our harbours, it is a matter for consideration whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty in defence of the harbours where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law, would have lost occasions which might not be retrieved. I did not hesitate therefore to authorise engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us: and I trust that the Legislature feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve when done, what they would have seen so important to be done, if then assembled. Expences, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service for the defence of our harbors, of all which accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the mean time I have called on the States for quotas of Militia, to be in readiness for present defence; and have moreover encouraged the acceptance of Volunteers, and I am happy to inform you that these have offered themselves with great alacrity in every part of the union. They are ordered to be organized, and ready at a moment's warning, to proceed on any service to which they may be called, and every preparation within the Executive powers has been made to ensure us the benefit of early exertions.

I informed Congress, at their last session, of the enterprizes against the public peace, which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them, and to bring the offenders to justice. Their enterprizes were happily defeated, by the patriotic exertions of the militia, whenever called into action, by the fidelity of the army, and energy of the Commander in Chief, in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating before their explosion plots engendering there: I shall think it my duty to lay before you the proceedings, and the evidence publicly exhibited on the arraignment of the principal offenders before the Circuit Court of Virginia. You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found the Legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it; and if these ends are not attained, it is of importance to enquire by what means, more effectual, they may be secured.

The accounts of the receipts of revenue during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the Treasury. In the mean time it is ascertained that the receipts have amounted to near sixteen millions of dollars; which with the five millions and an half in the treasury at the beginning of the year have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments [illegible] of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law, and of our contracts, and have left us in the treasury eight millions and an half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surplusses of revenue, which, after paying the instalments of debt, as they shall become payable, will remain without any specific object. It may partly indeed be applied towards compleating the defence of the exposed points of our country, on such a scale as shall be adapted of our principles and circumstances. This object is doubtless among the first entitled to attention, in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surplusses, may be usefully applied to purposes already authorised, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress: unless indeed they shall be superseded by a change in our public relations, now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications; and nothing shall be wanting on my part which may give information or dispatch to the proceedings of the Legislature in the exercise of their high duties, and at a moment so interesting to the public welfare. TH: JEFFERSON.

Tuesday, October 27, 1807.

Washington City, October 27.

It will be perceived by our Congressional Journal that the national legislature have assembled without the least delay. On Monday, on counting the members of the House of Representatives, one hundred and seventeen were found to be present, and one delegate from the Mississippi territory. In the Senate twenty-five members were present. Such a prompt and general attendance manifests the zeal and attention which may be expected from the new Congress.

The Vice-President yesterday took the chair of the Senate at the opening of that body. We have pleasure in stating him to be in good health.