

second term of administration, embrace the opportunity to give his public assurance that I will exert my best endeavors to administer faithfully the Executive Department, and will zealously co-operate with you in any measure which may tend to secure the liberty, property, and personal safety of our fellow-citizens, and to consolidate the republican forms and principles of our Government.

In the course of your session you shall receive all the aid which I can give for the dispatch of the public business, and all the information necessary for your deliberations of which the interests of our own country, and the confidence reposed in us by others will admit a communication.

TH: JEFFERSON.

December 3d, 1805.

CONGRESS.

MONDAY, DECEMBER 2, 1805.

This being the constitutional day for the meeting of congress the two Houses convened at the Capitol.

SENATE.

Twenty members took their seats, whereupon the Vice President of the United States not being present, the Senate proceeded by ballot to the choice of a *President pro tempore*. The ballots having been taken, it appeared that SAMUEL SMITH of Maryland, having 15 votes, was duly elected.

HOUSE OF REPRESENTATIVES.

At 12 o'clock an enumeration having been made, it appeared that one hundred and four members were on the floor.

The former Clerk (Mr. Beckley) having communicated this circumstance to the members, and that the number of members present formed a constitutional quorum, submitted the question whether they were ready to proceed to business, which being decided in the affirmative, the Clerk observed that the business, usually first attended to, was the election of a Speaker, and submitted whether they would then proceed to such election, which being decided in the affirmative, the Clerk named Messrs. Nicholson, Crowninshield and Thomas a committee to count the ballots; which, being given and counted, Mr. Nicholson reported that the whole ballots given were 106, which were given as follows:

For Nathaniel Macon	51
Joseph B. Varnum	27
John C. Smith	16
John Dawson	10
Andrew Gregg	2

Of which ballots no gentleman having a majority, there was no choice.

Whereupon a second ballot took place which issued as follows:

Whole number of ballots—106

For N. Macon	53
J. B. Varnum	26
J. C. Smith	17
J. Dawson	7
A. Gregg	3

A majority not concurring in any one gentleman there was no election.

A third ballot was then taken as follows:

Whole number of ballots—106

For N. Macon	58
J. B. Varnum	23
J. C. Smith	18
J. Dawson	3
A. Gregg	2
Thomas Moore	1
D. Holmes	1

This result having been reported by Mr. Nicholson, and it appearing that NATHANIEL MACON had a majority of the ballots given, he was conducted to the chair by Messrs. Nicholson and J. Randolph; from which he made his acknowledgments to the House.

The House proceeded to elect a clerk by ballot, the Speaker having named the same gentlemen tellers as were appointed on the choice of a Speaker.

On counting the ballots, it appeared that of one hundred and three ballots given John Beckley had 85, and William Lambert 18, and that consequently John Beckley was duly elected Clerk.

The Speaker laid before the House a letter from the Clerk representing the measures taken by him in execution of the order of the House of Feb. 28, 1805, relative to the supply of Printing and Stationary for the House; by which it appears that proposals for Printing had been received from A. and G. Way, Solomon Myer, R. Dimmore; from Boulogne and Fulton for paper; and from Edgar Patterson for the Stationary; and that contracts had been made with A. and G. Way for the Printing, and with Edgar Patterson for the Stationary.

On motion of Mr. Thomas a committee consisting of seventeen members was appointed to enquire and report whether any and what alterations are requisite in the acts relative to post offices and post roads.

Acknowledgments of the Speaker on taking the Chair.

GENTLEMEN.

Accept my sincere thanks for the honor you have conferred on me. Permit me to assure you that my utmost endeavours will be exerted to discharge the duties of the Chair with fidelity, impartiality and industry; and that I

shall rely with confidence on the liberal and candid support of the House.

DECEMBER 2.

Mr. Thomas offered the following resolution: *Resolved*, That a committee be appointed to enquire whether any and what amendments are necessary to be made in the acts establishing a post office and post roads, and to report by bill to the next session.

Agreed to, and referred to the committee on post offices and post roads.

On motion of Mr. J. Clay,

Resolved, That the committee on post offices and post roads be instructed to enquire whether any and what abuse exists of the privilege of franking letters, and to report such provision as in their opinion will tend to remedy the same.

Committees appointed by the House of Representatives.

Committee of Ways and Means—Messrs. John Randolph, Nicholson, J. Clay, Quincy, Merriweather, Dickson and Mosely.

Committee of Commerce and Manufactures—Messrs. Crowninshield, MacCree, Leib, Early, Dana, Newton, and Mumford.

Committee of Claims—Messrs. J. C. Smith, Holmes, Bedinger, Stanford, Stanton, P. N. Moore and Thomas Moore.

Committee of Elections—Messrs. Findley, Elmer, Eppes, Chittenden, Schuneman, Bidwell, and Ellis.

Committee of Revival and Unfinished Business—Messrs. Tenney, Allison, and Clarke.

Committee to prepare Standing Rules and Orders—Messrs. Varnum, Dawson, Caldwell, Gregg, and Holland.

Committee on Post Offices and Post Roads—Messrs. Thomas, R. Whitehill, Betton, Cook, Elliot, Knight, Sturges, Covington, Clepton, Sandford, M. Williams, Rhea (of Ten) D. R. Williams, Mead, Jer. Morrow, Southard and Lewis.

Committee of Accounts—Messrs. Conrad, Davenport, and Cutts.

Committee to wait on the President at the opening of Session—Messrs. J. Randolph, Davenport & Cutts.

DECEMBER 4.

A memorial was presented, praying that provision may be made for a small light house on Sandy Point.

Referred to the Committee of Commerce and Manufactures.

An engrossed bill making an appropriation of 650,000 dollars towards defraying the expenses of the Navy, during the year 1805, for which the previous appropriations had proved insufficient, was read a third time and passed without a division.

On motion of Mr. J. Randolph the House resolved itself into a committee of the whole on the state of the union.

General VARNUM in the Chair.

Mr. J. Randolph offered the following resolutions:

1. *Resolved*, That so much of the Message of the President of the United States, as relates to the subject of quarantine and health laws, be referred to the committee of Commerce and Manufactures.

2. *Resolved*, That so much of the Message of the President of the United States, as relates to the aggressions committed on our coasts by foreign armed vessels, to the defence of our ports and harbours, to the building of seventy four gun ships, and to the providing of arms and ammunition, be referred to a select committee.

3. *Resolved*, That so much of the Message of the President of the United States, as relates to the organization and classification of the militia, and to the augmentation of our land forces, be referred to a select committee.

4. *Resolved*, that so much of the Message of the President of the United States, as relates to our naval peace establishment, be referred to a select committee.

Previous to a decision on these resolutions, Mr. Bidwell rose and said that it was his wish to offer an additional resolution relative to a subject not embraced in them.

The Chairman observed that the resolutions first offered must in point of order be first decided upon, after which the resolution alluded to could be received, or it might be read in argument while they were under consideration.

The foregoing resolutions were then severally read and agreed to without a division.

Mr. Nicholson said he would offer another resolution, the substance of which was not embraced in the resolutions submitted by his friend from Virginia—viz:

Resolved, That so much of the Message of the President of the United States, as relates to the conduct of the belligerent powers towards the United States, and to the unjustifiable construction lately given by some of them to the law of nations as it regards the rights of neutrals, be referred to the committee of Ways and Means.

Mr. Bidwell said this resolution embraced in some measure his object; but as it did not exactly comport with it, he would take the liberty of reading, by way of argument, the resolution which he had prepared, Mr. B. then read the following resolution:

Resolved, That so much of the Message of the President of the United States, as relates to injuries done to us, as a neutral nation, by the interpolation of new, unjust & unacknowledged principles into the law of nations, be referred to a select committee, with instruction to enquire in what respects, and to what extent, our neutral rights have thus been violated, and what legislative measures the true interest of the United States requires, to counteract such violations.

Mr. Bidwell remarked that this resolution went further than that offered by the gentleman from Maryland. So far as that resolution went it met his ideas. But he thought it ought to go further; and should it not be adopted by the committee, he would afterwards move that one he had just read. His reason for thinking the house ought to go further was this. We have been informed by the President that new principles have been interpolated by foreign powers into the law of nations. What these principles are is not stated, except in one instance. To what extent they have been carried we are not informed. We have, it is true, no door information on the subject; but not of such a nature as to justify our acting in our legislative capacity. These principles as well as the injuries we have received were, in his opinion, a proper subject for the investigation of a committee.

Mr. Nicholson said he could not conceive in what the two resolutions differed except in language. They both embraced the same object. In one respect only they differed. While the resolution of the gentleman from Massachusetts referred the subject to a select committee, his own resolution referred it to the committee of Ways and Means. The investigation contemplated by the gentleman could be as well made by the committee of Ways and Means, as by a select committee. Nor was it necessary for this purpose to give them any instructions. If the subject required investigation, it would be their duty to make it, and to lay the result of the investigation before the house. It would be allowed that it was a subject in which the revenue was most deeply interested, and as such properly the province of the committee of Ways and Means. For his own part, Mr. Nicholson said, he could have no objection to the resolution of the gentleman from Massachusetts; but as his own resolution embraced the same object and went to the same extent, he perceived no reason against adopting it.

Mr. Quincy could not agree that the resolution offered by the gentleman from Maryland either embraced the same object, or went to the same length with that proposed by his colleague. He thought that offered by his colleague far preferable, as it was more extensive in its views. He was of opinion, that whatever committee was appointed should investigate the nature of the principles alluded to in the Message, as well as the measures referred to. The committee of Ways and Means were not bound to make a special report on the subject; they might content themselves with a general one; and it might be necessary afterwards to appoint a new committee, to make the requisite investigation. Mr. Q. was the more anxious, as he thought it necessary that a complete investigation should be made in the House of the nature and extent of the principles referred to in the message.

Mr. Elliot said he did not perfectly understand the gentleman from Maryland when he told them that the subject contemplated to be referred naturally and exclusively fell within the proper jurisdiction of the committee of Ways and Means. It would be admitted on all hands that the subject was not only important, but likewise novel. Our attention is forcibly called in the message to this as a subject of the first importance:

"New principles too have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine injurious to the rights of peaceable nations.

Our attention is called to the important point of new interpolations into the law of nations, or in other words, to the adoption by the government of one or more foreign powers of what is considered as a modification of the ancient laws of nations, as accommodating them to their wishes, and as introducing new principles which they wish to impose upon other nations. How a subject so important naturally, and necessarily belongs to the committee of Ways and Means it was impossible for him to say. But, says the gentleman, it is a question of revenue. How so? It may effect the revenue incidentally; but the question of revenue, from its comparative unimportance, is once merged and lost in the more important question, whether we shall passively submit to the introduction of new principles to be imposed upon neutrals, by any government whatever, however powerful or extensive its influence. On this subject, Mr. Elliot said he thought, as it appeared by the Message the Executive thought, that it possessed great importance in itself. Nor did he conceive it possible to present any view more important than that taken by the resolution of the gentleman from Massachusetts. He acknowledged that the committee of Ways and Means were fully competent to an investigation of the subject; in their ability to investigate it he had full confidence. But he thought they had sufficient business in their proper sphere to occupy their attention. For these reasons he hoped the resolution offered by the gentleman from Maryland would be rejected, and that submitted by the gentleman from Massachusetts substituted in its room.

Mr. Gregg thought the gentleman from Massachusetts would fully attain his object by offering a part of the resolution he had read as

amendment to the resolution before the House. The resolution of the gentleman embraced two distinct parts; the first regarded the objects to be enquired into; and the last instructed the committee how to act. The resolution of the gentleman from Maryland embraced the same object. The end therefore of the gentleman from Massachusetts would be fully gained by adding the instructive part of his own resolution to the resolution under discussion. As to the difference between a standing and select committee, it was not so important as it appeared to be to the gentleman from Vermont. The subject from its character naturally came before the committee of Ways and Means; and it was understood that standing committees went through the business referred to them with more regularity than select committees.

Mr. Bidwell said that if gentlemen attentively considered the two resolutions, they would find that the resolution offered by the gentleman from Maryland did not go the same extent with the resolution which he had had the honor of proposing. The former referred to but one principle, and limited the subject to considerations connected with revenue. It appeared to him that from out-door information, it would be found that various principles had been assumed relative to the laws of nations to which we might not as a neutral nation choose to submit. It was true that the subject was connected with the revenue; so however, was every subject. Every subject, whether connected with a state of peace or war, would necessarily more or less affect the revenue. Though this was the case with this subject, it ought not to be considered as primarily connected with revenue. Under present circumstances we do not consider it principally as connected with finance, but with other subjects. Mr. Bidwell said he had no particular wishes with regard to the committee to be appointed in this instance; but he did wish the subject examined in more extensive views than was contemplated in the resolution.

Mr. Nicholson observed that the principal objection made to the resolution he had offered was that the Committee of Ways and Means were not bound to investigate the subject, and submit to the House the result of their investigation. Some gentlemen think it necessary that instructions should be given by the committee to insure such an investigation. Mr. Nicholson said that he had known instances within the course of the six past years in which a subject apparently simple had produced a voluminous report without any instructions of the House; and he had known other instances in which a subject of great importance had been referred, on which there had been reported a simple resolution, which afterwards became the subject of argument within these walls. If in this case an investigation is desired there is no doubt but that the committee of ways and means can make it, and give the result to the House. He recollected some years ago a simple resolution was referred to a committee of which he had the honor to be chairman. They considered the subject as of vast importance, and thought it proper in their report to go at length into it. The report was made, and on it was predicated the extensive purchase of Louisiana. Yet in this case, there were no instructions given.—The committee notwithstanding thought it their duty to enquire into the subject; they accordingly did enquire, and made the report alluded to.

In every point of light in which the present subject could be viewed, it would be found to affect the revenue. There are various ways in which we may attack the belligerent nations. We may attack them by land or by sea.—The preparations required for this purpose may not only sink our present revenue, but render it necessary to resort to the raising additional revenue. Should there be a non importation act, which had been lately a subject of discussion in the public prints, it would necessarily affect our revenue, and before it could be agreed to or acted on, it would be absolutely necessary for the committee of ways and means to enter into an investigation how the necessary revenue could be obtained. If we resort to the expedient of raising the duties on manufactured articles, he would ask if that were not a proper subject for the committee of ways and means. The measure could not but affect our revenue deeply, and would it not become necessary for the committee of ways and means to enquire to what extent the duties might be laid without producing the necessity of resorting to new taxes. But as the gentleman from Massachusetts was desirous of restricting the committee, he had no objection to modify his resolution as to add to it the latter part of the resolution offered by him.

So modified the resolution was read from the Chair as follows:

5. *Resolved*, That so much of the message of the President of the U. S. as relates to the conduct of the belligerent powers towards the U. S. and to the unjustifiable construction lately given by some of them to the law of nations, as it regards the rights of neutrals, be referred to the committee of ways and means, with instructions to inquire in what respects, and to what extent our neutral rights have been violated, & what legislative measures the true interest of the U. S. requires to counteract such violations.

Mr. Bidwell enquired to what committee the defensive measures recommended by the President had been referred.

The Chairman replied to a select committee. Mr. Bidwell said that subject appeared to him as much connected with the revenue as principles which respected the law of nations.—If that subject had been referred with propriety to a select committee, surely this might also