Eleventh Congress.

SENATE OF THE UNITED STATES,
Monday, May 22, 1809.

PRESENT,

George Clinton, Vice-President of the United States and President of the Senate.

Twenty-one members present.

On motion, by *Mr. Anderson*,

Ordered that the secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

On motion, by *Mr. Anderson.*

It was resolved that each Senator be supplied with the usual number of newspapers.

On motion,

Ordered that Mr. Anderson and Mr. Gilman, be a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their part, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

HOUSE of REPRESENTATIVES.

Monday, May 22.

This being the day fixed on by law for the meeting of Congress, one hundred and twenty members appearing, at 12 o'clock the House proceeded to the choice of a Speaker.

Messrs. N. R. Moore, Cutts and Porter were appointed tellers.

On the first ballot,

General Varnum had	60 votes.
Nathaniel Macon	36
Timothy Pitkin, jun.	20
Roger Nelson	1
Mr. Goldsborough	1
Blank votes	2

A question arose, whether the two blank votes were to be included in the whole number given in; and whether, as the highest number on the first ballot, did not amount to a majority, a speaker had been chosen?

Mr. Alston said, that it would be recollected by the house, in the case of the election for president of the United States in 1801, that the state of Maryland gave in four votes for Thomas Jefferson, and four blank votes; that the vote of Maryland was recorded for Mr. Jefferson; and that consequently this case established the principle that votes which were thus thrown away could not be counted in ascertaining majorities.

Mr. Macon thought there could be no doubt on the question. He thought the blank ballots ought not to be counted.

Mr. Randolph hoped that the house would proceed to a second ballot, and decide who should be its speaker. He knew that if his worthy friend from North Carolina had not been implicated in the decision of this question, he would not have expressed the opinion he had just given. He thought that this house were in danger of establishing a precedent highly alarming and unconstitutional. The question was a very important one. It might happen that the speaker would have to act in the capacity of President of the United States, and he trusted that the house would now be governed by the good old rule, that a majority should prevail in their decisions.

Mr. Stanford was also in favor of another ballot.

The question was then taken, whether the house would proceed to a second ballot, and carried—67 to 43.

Mr. Macon moved to postpone the ballot for a short time, that the gentlemen who had been so good as to give him their votes, might have an opportunity of selecting another candidate. He was very thankful to those gentlemen; but he had no wish to occupy the chair; he preferred a seat on the floor—and, in fact, his health would not justify his acceptance of the station of speaker. The motion was lost.

On the second ballot,

Gen. Varnum had	65
Mr. Macon	45
Mr. Pitkin	6
Scattering votes	3

Mr. *Varnum*, having a majority of votes, was declared elected, and conducted to the chair; whence he addressed the House as follows:

"*Gentleman of the House of Representatives,*

"The continued manifestation of the national confidence in me, expressed by the Representatives of the people on this occasion, fills my heart with grateful sensibility. In obedience to the call of my country I accept the office assigned me, and will endeavor to discharge the duties of it according to the best of my abilities, and agreeably to the wishes of the House."

On the ballot for clerk—

Patrick Magruder, had	63 votes.
William Brent,	38
Nicholas Van Zandt,	14
Mr. Lambert,	7
Mr. Scott,	1

Mr. Magruder, was elected.

The speaker was then sworn in by Mr. N. R. Moore. The oath of office was also administered to the members present, by Mr. Speaker.

A message was received from the senate, stating that they had formed a quorum, and were ready to proceed to business; also, stating, that they had appointed Messrs. Anderson and Gilman, a committee jointly with a committee from the House of Representatives, to wait upon the President of the U. States, and inform him that the two houses were ready to receive any communications he might be pleased to make to them.

It was ordered, That the Clerk do inform the senate that this House had formed a quorum and were ready to proceed to business.

Mr. Macon and Mr. J. G. Jackson were appointed a committee on the part of the house, in conjunction with the committee from the senate, to wait upon the president.

A resolution was offered by Mr. Holland, and adopted, that the rules and orders of the last house be in force during the present session, until alterations and revisions take place.

Mr. Dunn, Mr. Wheaton, and Mr. Reily, were named as candidates for the office of sergeant at arms. On counting the ballots, Mr. Dunn had 80 votes, and and consequently was elected.

Mr. Claxton was re-elected door keeper, without opposition.

Jesse Edwards and Benjamin Burch were nominated as candidates for the office of assistant door-keeper.

On counting the ballots Mr. Burch was found to have 68 votes, and was elected.

Mr. Macon, from the joint committee appointed to wait upon the president of the United States reported, that the committee had discharged that duty, and received for answer from the president, that he would make a communication to congress to-morrow at 12 o'clock.

Mr. Dawson made a motion, that ten o'clock be the hour to which the house shall adjourn. Carried.

The house then adjourned till to-morrow morning, ten o'clock.

Tuesday, May 23.

The journal of yesterday's proceedings having been read—

Mr. Randolph moved to amend it so as to record the precise state of the two ballots for a Speaker; with a view to a correct understanding of the case, if it should ever be drawn into precedent hereafter.

After a discussion of nearly two hours on the subject of the decision of yesterday, and the analogy betwixt it and the case of the Presidential election of 1801, *Mr. Randolph's* motion was agreed to, ayes 70.

[*The following Message was issued from the Star-Office in an Extra on Thursday morning last, and now introduced into the Star for the information of our country subscribers.*]

This day at 12 o'clock the President of the United States, communicated by Mr. Graham, the following Message to both Houses of Congress.

MESSAGE.

Fellow-Citizens of the Senate, and of the House of Representatives,

On this first occasion of meeting you, it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations; the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our ministers at London and Paris were, without delay, instructed, to let it be understood by the French and British governments, that the authority vested in the executive to renew commercial intercourse with their respective nations, would be exercised, in the case specified by that act.

Soon after these instructions were dispatched, it was found that the British government, anticipating, from early proceedings of Congress at their last session, the state of our laws which has had the effect of placing the two belligerent powers on a footing of equal restriction, and relying on the conciliatory disposition of the United States, had transmitted to their Legation here, provisional instructions not only to offer satisfaction for the attack on the frigate Chesapeake, and to make known the determination of his Britannic Majesty, to send an envoy extraordinary with powers to conclude a treaty on all points between the two countries; but, moreover, to signify his willingness, in the mean time to withdraw his orders in council, in the persuasion that the intercourse with Great Britain, would be renewed on the part of the United States.

These steps of the British government led to the correspondence and the proclamation now laid before you; by virtue of which, the commerce between the two countries will be renewable after the 10th day of June next.

Whilst I take pleasure in doing justice to the councils of his Britannic majesty, which no longer adhering to the policy which made an abandonment by France of her decrees a pre-requisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily; I cannot do less than refer to the proposal heretofore made on the part of the United States embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted; and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided, during a period of the most trying embarrassments.

The discountinuance of the British orders, as they respect the United States, having been thus arranged, a communication of the event has been forwarded in one of our public vessels, to our minister, plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French government, a revocation of its decrees, or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of congress. It will be worthy, at the same time, of their just and provident care, to make such further alterations in the laws, as will more especially protect and foster the several branches of manufacture, which have been recently instituted, or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs, I have thought it not inconsistent with a just precaution, to have the gunboats, with the exception of those at New-Orleans placed in a situation incurring no expence beyond that requisite for their preservation and conveniency for future service; and to have the crews of those at New-Orleans reduced to the number required for their navigation and safety.

I have thought, also, that our citizens detached in quotas of militia amounting to one hundred thousand, under the act of March, 1808, might not improperly be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, 1808, together with the disposition of the troops, will appear by a report which the secretary of war is preparing, and which will be laid before you.

Of the additional frigates required by an act of the last session, to be fitted for actual service, two are in readiness, one nearly so; and the fourth is expected to be ready in the month of July. A report which the secretary of the navy is preparing on the subject, to be laid before congress, will shew at the same time, the progress made in officering, and manning these ships. It will shew also, the degree in which the provisions of the act relating to other public armed vessels, have been carried into execution.

It will rest with the judgment of congress to decide how far the change in our internal prospects may authorize any modification of the laws relating to the army and navy establishments.

The works of defence, for our seaport towns and harbors have proceeded with as much activity, as the season of the year and other circumstances would admit. It is necessary, however, to state, that the appropriations hitherto made being found to be deficient, a further provision will claim the early consideration of congress.

The whole of the eight per cent. stock remaining due by the United States, amounting to five millions three hundred thousand dollars, had been reimbursed on the last day of the year 1808. And on the first day of April last, the sum in the treasury exceeded nine and an half millions of dollars.—This, together with the receipts of the current year on account of the former revenue bonds, will probably be nearly, if not altogether sufficient, to defray the expences of the year. But the suspension of exports, and the consequent decrease of importations during the last twelve months, will necessarily cause a great diminution in the receipts of the year 1810. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniencies of a protracted session at the present season of the year, I forbear to call the attention of the legislature to any matters not particularly urgent. It remains therefore only to assure you of the fidelity and alacrity, with which I shall co-operate for the welfare and happiness of our country; and to pray that it may experience a continuance of the Divine Blessings, by which it has been so signally favored.

JAMES MADISON.

The message, having been read, was referred to a committee of the whole House on the state of the Union; and 5000 copies ordered to be printed of the message, with the documents accompanying it.

A message was received from the Senate proposing the appointmen of two chaplains of different denominations, to interchange weekly between the two Houses. The proposition was concurred in, ayes 81.

On motion of mr. Stedman, the usual rule was adopted for furnishing members with newspapers.

After some debate on the mode of electing committees, which finally devolved on the Speaker, they adjourned.

Wednesday, May 24.

After several petitions were read, Mr. Randolph moved the two following resolutions:—The first was referred to a committee of the whole, and the 2d was carried; but the House afterwards agreed to re-consider the 2d, which remains undetermined.

Resolved, That the troops raised under the act of the 12th of April, 1808, entitled 'An act to raise for a limited time an additional military force,' be immediately disbanded; and that the ballance of appropriation remaining unexpended in relation to the same, and any balance of appropriation for gun boats which may remain unexpended, be applied towards arming and equipping the whole body of the militia of the U. States.

Resolved, That a committee be appointed to enquire and report, whether monies drawn from the treasury since the 4th of March, 1801 have been faithfully applied to the objects for which they were appropriated; and whether the same have been regularly accounted for; and to report likewise, whether any further arrangements are necessary, to promote economy, enforce adherence to legislative restrictions, and secure the accountability of persons entrusted with the public money.

Thursday, May 25.

We have only room to state that on this day the committee of Commerce and Manufactures reported a bill to permit vessels of those nations with whom intercourse is permitted, as Sweden and Portugal, to clear out with cargoes of foreign or domestic growth or manufacture The bill was twice read and referred to a committe of the whole house to morrow.

The following resolution, offered by Mr. Livermore, was refered to the commitee of Commerce and Manufactures, with leave to report by bill or otherwise:

Resolved, That it is expedient that the operation of so much of the act to interdict commercial intercourse between the United States and G. Britain and France and their dependencies as prohibits the importation of goods from Great Britain and France and their dependencies, as prohibits the importation of goods from G. Britain and her dependencies be suspended until the 10th day of June next.

Mr. RANDOLPH after some prefactory observations, offered the following resolution, which, after a debate of four hours, was adopted without a division, the words in *Italic* having been inserted on motion of Mr. *Troup*.

Resolved, that a committee be appointed to enquire whether any and what prosecutions have been instituted before the courts of the United States, *and by whom*, for libels at common law, and to report such provisions, as, in their opinion, may be necessary for securing the freedom of speech and of the presses.

NEW-YORK, May 22.

Latest Foreign News.

The ship Herkimore, Howland, from London for New York, has put into New London in distress. She left London on the 18th of March, and the Downs on the 30th. Captain Robert M. Steel, who came passenger in her, arrived in town on Saturday evening, and has obligingly furnished the Editor of of the MERCANTILE ADVERTISER, with London papers to the 29th of March inclusive, 4 days later than our previous advices, and more important than any we have for a long time back received from the continent of Europe.

In the English House of Lords, on the 27th of March, Lord Selkirk gave notice, that after the recess he would submit a motion to the House on the subject of Mr. Rose's mission to the Government of the U. States.

London, March 27.

Another important event is to be added to the many that have occured of late years; a Revolution has broken out in Sweden, and the gallant Monarch has been deposed. His uncle has seized the reins of Government, and in a proclamation addressed to the people, declares his nephew incapable of conducting the affairs of the Nation. The details of this Revolution we have not yet received. It was probably concerted by the Duke of Sundamania and some of the Nobles at Stockholm, with the Commanders of the Troops on the frontiers of Norway. The revolutionary symptoms depolped themselves first among the troops. The want of clothing and provisions had created great discontent, which was fomented by the commander in chief, who broke up from his position, and began his march for Stockholm to demand a Diet of the States. On their march they published a Proclamation in which they stated that their views were merely these; that the states of the Realm and the legislatures shall be at liberty to assemble and deliberate without controul. The Proclamation then draws a picture of th wretched state of Sweden; and in speaking of Great Britain and France, says, that the former, the ally of Sweden, shall learn to appreciate and value a nation which knows how to break its fetters, and that the latter shall be taught to respect a people anxious to rival her military powers. The Proclamation contains a solemn declaration, that not a single inch more of Swedish territory shall be given up to the enemy. The Duke of Sundermania, not waiting for the meeting of the states, deposed the King by his own authority, and assumed the Government. His Majesty was put under arrest as he was about to set out for his country residence.—When the guard surrounded him he drew his sword, but he was soon overpowered, and when the last advices left Stockholm he was a close prisoner.

That this revolution has been of French contrivance we are not able to pronounce though many will be inclined to suspect that it is—Since the revolution of 1772, brought about by the deposed monarch a further, a considerable degree of discontent has existed among the Nobles, whose authority was considerably abridged. The revolution too destroyed the influence which the Russian and French parties had over the Councils of Sweden, an influence so injurious to the real interests & dignity of the country.

The recent disasters in Finland, the severity of the winter and the loss of commerce, occasioned by the shutting up of the ports of the continent, had produced a discontent which was industriously encouraged by the malcontents. Great eccentricity of character, his Swedish majesty certainly had; he was violent, impatient, and acted too much from the impulse of his passions; but it were indeed an act of injustice to impute to him the miseries of Sweden, or the loss of her territories.

March 28.

ARRIVAL OF A FLAG OF TRUCE.

A Flag of Truce arrived yesterday afternoon at Dover, with a Russian messenger on board. He came from Boulogne in a French schooner, and his name is De Sass. He left Russia the latter end of February.——At seven o'clock last night he set off for London in a post-chaise and four, and arrived in town this morning. The flag of truce returned to Boulogne as soon as she landed him. It is supposed by some that he is the bearer of another joint overture from France and Russia; but had that been the case, he would have been dispatched from Paris & not from Petersburg. Others assert that he is come with dispatches for the Russian Admiral.

Mr. Whitbread asked a question in the House of Commons last night, relative to the revolution in Sweden. Mr. Canning replied, that he was not yet prepared to give the hon. member any accurate information.——There is no doubt however, that such a revolution has taken place. Immediately after the Duke of Sudermania deposed the King his Majesty was conveyed to the Royal Palace of Drottingholm, situated in a small island at the distance of about seven miles from Stockholm, where he still remains confined. The chief objects of the revolution being said to be the restoration of Peace. Couriers were immediately sent to the courts of London, Paris, St. Petersburgh, & Copenhagen, with a view to accelerate the event.

Had he chosen perhaps to have bent the knee to Bonaparte; to have acknowledged himself his vassal; to have crawled in his train with the servile herd of Rhenish princes—had he linked himself in the same fetters with the Kings of Wartemberg and Bavaria, he might have been permitted to have kept Pomerania, on the condition however of carrying on no trade with Great Britain. That he did not so debase himself, will not be imputed to him as a fault by any Swede who is a friend to the independence and freedom of his country. Is the war with Russia to be imputed to him as a crime? He did not provoke it. It was begun by Russia against every principle of honor and justice, his Swedish majesty could not have avoided it, unless he had consented to disgrace himself and the people over whom he ruled by the most abject submission. That he did not defend Finland as long as it could be defended—that he did dispute every inch of ground against a superior force, will not be denied even by his bitterest enemy. That the war, and the severity of the season, produced extreme misery, is most true, but they were not occasioned by the King. He exercised the right which God and nature gives to all Sovereigns, of defending their territories against any enemy who may attack them. He has failed, however, in the struggle, and the fall of another lawful Sovereign will add another triumph to the many atchieved by Bonaparte, over the principle of legitimacy, freedom and justice. The King of Sweden has thus in some degree had the fate of Hamlet's father—'Upon my secure hour, thy uncle stole.' He has been deprived of his crown by his uncle—whether the tragedy will be completed by the death of the deposed Monarch, we are yet to learn.