

said boxes, and the other set the votes in the other box ; and in the event of no appointment of teller by any delegation, the Speaker shall in such case appoint. When the votes of the States are counted by the respective sets of tellers, the result shall be reported to the House ; and if the reports agree, the same shall be accepted as the true votes of the States ; but if the reports disagree, the States shall immediately proceed to a new ballot, in manner aforesaid.

7th. If either of the persons voted for shall have a majority of the votes of all the States, the Speaker shall declare the same ; and official notice thereof shall be immediately given to the President of the United States and to the Senate.

8th. All questions which shall arise after the balloting commences, and which shall require the decision of the House, shall be decided without debate.

*Resolved*, That this House will consider the said report on Monday next.

Mr. HARPER, from the committee appointed, presented a bill to continue in force the act entitled "An act to augment the salaries of the officers therein mentioned;" which was read twice and committed to a Committee of the whole House on Monday next.

Mr. OTIS from the committee appointed, presented a bill supplementary to an act, entitled, "An act to divide the Territory of the United States Northwest of the Ohio, into two separate governments;" which was read twice and committed to a Committee of the Whole House on Monday next.

Mr. HARPER, from the committee appointed, presented, a bill to extend to aliens who arrived and became residents in the United States, before a certain period, the benefits of the act of one thousand seven hundred and ninety-five, on the subject of naturalization ; which was read twice and committed to a Committee of the Whole on Monday next.

The House, went into a Committee of the Whole on the bill to amend the act, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States, and to repeal the act, entitled "An act to enlarge the powers of the Surveyors of the Revenue;" and, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

MONDAY, February 9.

*Ordered*, That the Committee of Claims, to whom was referred, on the thirtieth ultimo, the memorial of sundry clerks employed in the different departments, be discharged from the further consideration thereof, and that the same be referred to the Committee of Revisal and Unfinished Business.

Mr. RUTLEDGE, from the Committee appointed on the part of this House, jointly, with the Committee on the part of the Senate, to ascertain and report a mode of examining the votes given for President and Vice President of the United States ; of notifying the persons elected of their election, and the time, place, and manner of administering the oath of office to the President, reported that

the Committee had taken the subject referred to them under consideration, but had come to no agreement thereupon.

A message from the Senate, informed the House that the Senate would be ready to receive the House in the Senate Chamber, on Wednesday next, at twelve o'clock, for the purpose of being present at the opening and counting of the votes for President of the United States ; and that the Senate have appointed a teller on their part, to make a list of the votes for President of the United States as they shall be declared.

#### RULES FOR ELECTION OF PRESIDENT.

The House proceeded to consider the report made on Friday last, from the committee appointed to prepare and report rules proper to be observed in the choice of a President of the United States : Whereupon,

*Ordered*, That the said report be committed to a Committee of the whole House immediately.

The House, accordingly, resolved itself into a Committee of the Whole on the said report ; and, after some time spent therein, the Chairman reported that the committee had had the said report under consideration, and directed him to report to the House their agreement to the same, with an amendment ; which he delivered in at the Clerk's table, where the same was read. The House then proceeded to consider the report : Whereupon, the amendment reported from the Committee of the whole House to the said report, was, on the question put thereupon, agreed to by the House.

A motion was then made and seconded that the House do disagree with the Committee of the whole House in their agreement to the fourth rule contained in the said report, in the words following, to wit :

"4th. After commencing the balloting for President, the House shall not adjourn until a choice is made :"

And, the question being taken thereupon, it passed in the negative—yeas 47, nays 53, as follows :

YEAS—Willis Alston, George Baer, Theodorus Bailey, Phanuel Bishop, Robert Brown, Samuel J. Cabell, Gabriel Christie, Matthew Clay, William Charles Cole Claiborne, John Condit, John Dawson, Joseph Eggleston, Lucas Elmendorf, John Fowler, Albert Gallatin, Samuel Goode, Edwin Gray, John A. Hanna, Joseph Heister, David Holmes, George Jackson, Aaron Kitchell, Michael Leib, Levi Lincoln, Matthew Lyon, James Lynn, Edward Livingston, Nathaniel Macon, Peter Muhlenberg, Anthony New, John Nicholas, Robert Page, John Randolph, John Smilie, John Smith, Samuel Smith, Richard Dobbs Spaight, Richard Stanford, David Stone, John Stewart, Benjamin Taliaferro, John Thompson, Abram Trigg, John Trigg, Littleton W. Tazewell, Philip Van Cortlandt, and Joseph B. Varnum.

NAYS—Bailey Bartlett, James A. Bayard, John Bird, John Brown, Christopher G. Champlin, William Cooper, William Craik, John Davenport, Franklin Davenport, Thomas T. Davis, John Dennis, George Dent, Joseph Dickson, William Edmond, Thomas Evans, Abiel Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Elizur Goodrich, Andrew Gregg,

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*Rules for Election of President.*

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Roger Griswold, William Barry Grove, Robert Goodloe Harper, Archibald Henderson, William H. Hill, Benjamin Huger, James H. Inlay, Henry Lee, Silas Lee, Ebenezer Mattoon, Lewis R. Morris, Abraham Nott, Harrison G. Otis, Josiah Parker, Thomas Pinckney, Jonas Platt, Leven Powell, John Reed, Nathan Read, John Rutledge, William Shepard, John C. Smith, James Sheafe, Samuel Tenney, George Thatcher, John Chew Thomas, Richard Thomas, Peleg Wadsworth, Robert Waln, Robert Williams, Lemuel Williams, and Henry Woods.

A motion was then made and seconded that the House do disagree with the Committee of the whole House in their agreement to the fifth rule contained in the said report, in the words following, to wit:

"5th. The doors of the House shall be closed during the balloting, except against the officers of the House:"

And, the question being taken thereupon, it passed in the negative—yeas 45, nays 54, as follows:

**YEAS**—Willis Alston, Theodorus Bailey, Phanuel Bishop, Robert Brown, Samuel J. Cabell, Gabriel Christie, Matthew Clay, William Charles Cole Claiborne, John Condit, Thomas T. Davis, John Dawson, George Dent, Joseph Eggleston, Lucas Elmendorf, John Fowler, Albert Gallatin, Edwin Gray, Andrew Gregg, John A. Hanna, Joseph Heister, David Holmes, George Jackson, Michael Leib, Matthew Lyon, Edward Livingston, Nathaniel Macon, Peter Muhlenberg, Anthony New, John Nicholas, John Randolph, John Smilie, John Smith, Samuel Smith, Richard Dobbs Spaight, Richard Stanford, David Stone, John Stewart, Benjamin Taliaferro, John Thompson, Abram Trigg, John Trigg, Littleton W. Tazewell, Philip Van Cortlandt, Joseph B. Varnum, and Robert Williams.

**NAYS**—George Baer, Bailey Bartlett, James A. Bayard, John Bird, John Brown, Christopher G. Champlin, William Cooper, William Craik, John Davenport, Franklin Davenport, John Dennis, Joseph Dickson, William Edmond, Thomas Evans, Abiel Foster, Jonathan Freeman, Henry Glen, Samuel Goode, Chauncey Goodrich, Elizur Goodrich, Roger Griswold, William Barry Grove, Robert Goodloe Harper, Archibald Henderson, William H. Hill, Benjamin Huger, James H. Inlay, Henry Lee, Silas Lee, Levi Lincoln, James Lynn, Ebenezer Mattoon, Lewis R. Morris, Abraham Nott, Harrison G. Otis, Robert Page, Josiah Parker, Thomas Pinckney, Jonas Platt, Levin Powell, John Reed, Nathan Read, John Rutledge, William Shepard, John C. Smith, James Sheafe, Samuel Tenney, George Thatcher, John Chew Thomas, Richard Thomas, Peleg Wadsworth, Robert Waln, Lemuel Williams, and Henry Woods.

*Resolved*, That this House doth agree with the Committee of the whole House in their agreement to the said report, as amended, in the words following, to wit:

"That the following rules be observed in the choice by the House of Representatives of a President of the United States, whose term is to commence on the fourth day of March next.

"1st. In the event of its appearing, upon the counting and ascertaining of the votes given for President and Vice President, according to the mode prescribed by the Constitution, that no person has a Constitutional majority, and the same shall have been duly declared and entered on the Journals of this House, the Speaker,

accompanied by the members of the House, shall return to their Chamber.

"2d. Seats shall be provided in this House for the President and members of the Senate; and notification of the same shall be made to the Senate.

"3d. The House, on their return from the Senate Chamber, it being ascertained that the Constitutional number of States were present, shall immediately proceed to choose one of the persons from whom the choice is to be made for President; and in case upon the first ballot there shall not appear to be a majority of the States in favor of one of them, in such case the House shall continue to ballot for a President, without interruption by other business, until it shall appear that a President is duly chosen.

"4th. After commencing the balloting for President, the House shall not adjourn until a choice be made.

"5th. The doors of the House shall be closed during the balloting, except against the officers of the House.

"6th. In balloting, the following mode shall be observed, to wit: The representatives of the respective States shall be so seated that the delegation of each State shall be together. The representatives of each State, shall, in the first instance, ballot among themselves, in order to ascertain the votes of the State; and it shall be allowed, where deemed necessary by the delegation, to name one or more persons of the representation, to be tellers of the ballots. After the vote of each State is ascertained, duplicates thereof shall be made; and in case the vote of the State be for one person, then the name of that person shall be written on each of the duplicates; and in case the ballots of the State be equally divided, then the word "*divided*" shall be written on each duplicate, and the said duplicates shall be deposited in manner hereafter prescribed, in boxes to be provided. That, for the conveniently taking the ballots of the several representatives of the respective States, there be sixteen ballot boxes provided; and that there be, additionally, two boxes provided for the purpose of receiving the votes of the States; that after the delegation of each State shall have ascertained the vote of the State, the Sergeant-at-Arms shall carry to the respective delegations the two ballot boxes, and the delegation of each State, in the presence and subject to the examination of all the members of the delegation, shall deposit a duplicate of the vote of the State in each ballot box; and where there is more than one representative of a State, the duplicates shall not both be deposited by the same person. When the votes of the States are all thus taken in, the Sergeant-at-Arms shall carry one of the general ballot boxes to one table, and the other to a second and separate table. Sixteen members shall then be appointed as tellers of the ballots; one of whom shall be taken from each State, and be nominated by the delegation of the State from which he was taken. The said tellers shall be divided into two equal sets, according to such agreement as shall be made among themselves; and one of the said sets of tellers shall proceed to count the votes in one of the said boxes, and the other set the votes in the other box; and in the event of no appointment of teller by any delegation, the Speaker shall in such case appoint. When the votes of the States are counted by the respective sets of tellers, the result shall be reported to the House; and if the reports agree, the same shall be accepted as the true votes of the States; but if the reports disagree, the States shall immediately proceed to a new ballot, in manner aforesaid.

"7th. If either of the persons voted for, shall have a majority of the votes of all the States, the Speaker shall

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declare the same; and official notice thereof shall be immediately given to the President of the United States, and to the Senate.

"8th. All questions which shall arise after the balloting commences, and which shall be decided by the House voting *per capita* to be incidental to the power of choosing the President, and which shall require the decision of the House, shall be decided by States, and without debate; and in case of an equal division of the votes of States, the question shall be lost."

TUESDAY, February, 10.

#### INTERCOURSE WITH FRANCE.

Mr. S. SMITH, Chairman of the Committee of Commerce and Manufactures, reported, according to order, "A bill to continue in force an act further to suspend the commercial intercourse between the United States and France and the dependencies thereof.

The existing act is limited to continue in force till the 3d of March next, the bill now reported, re-enacts it to continue till the 3d day of March, 1802. It was once read, and on the question whether it should be read a second time,

Mr. DAVIS hoped it would not have a second reading. Every step which was taken with a law so obnoxious, must not only wound our recent accommodation with France, but also our merchants and planters engaged in trade with that nation, and afford means of speculation. He moved that the bill be rejected.

Mr. S. SMITH hoped it would be rejected. Conformable to his duty as chairman of the committee he had reported the bill, but had by no means assented to that measure. He saw no use whatever in it; he saw much evil in it, and in every step which was advanced towards re-establishing it. He observed with pleasure a proclamation issued by the Government of Guadaloupe to deliver up captured property conformable to the fourth and seventeenth articles of the mutual convention; that proclamation also completely arrested all future captures by their privateers. In the present posture of affairs, what possible reason could be adduced in favor of this bill? In the committee he said he was alone in his aversion to this law; he wished to postpone it for some time at least. He hoped gentlemen would consider their strength, and, if they were not able to carry the bill through, would suffer its immediate destruction, otherwise the inevitable effect of loss must rest on the tobacco planter.

Mr. LIVINGSTON presumed, as this bill had been reported, there were some gentlemen in favor of it, and he supposed if any were in favor of it, they could give the reasons of their conduct. He most sincerely wished to hear them, for really he could conceive none. He declared himself to be astonished at finding the House engaged in the re-enaction of this law when he entered it this morning: he was astonished because the very face of the law carried its own destiny. It declared that whenever the President should be convinced that commerce could be safely renewed with France, he should have power to renew it.

There had been several instances wherein our vessels had been treated upon neutral grounds, and there appeared to be a general disposition that it should be so. Can any gentleman in this House doubt that that state of things *actually* exists which this bill predicates? If there are any such, let them answer, and give their reasons. If they do not, they are bound to join in the rejection of the bill.

It was not a very common course, he said, to stop a law on its first reading, but if ever there was a state of things which demanded it, this was it. All the American commercial men engaged in its support when it first passed; it passed from the extreme necessity of the case, and in assenting to it all our commercial men sustained a vast sacrifice—a sacrifice which only the occasion could justify. But now the state of things is altogether changed; the necessity and the danger have entirely ceased: a convention of amity has been formed with that nation. What answers, then, this ill-advised spirit of acrimony? Where is the necessity now of the measure? What answer can they give to the planters in Virginia, whose produce must remain on their hands, when they ought to have a market, and a good price for it? What, he would ask those gentlemen, had been acquired by this two years' suspension of the intercourse with France? At that time, said Mr. L., we submitted, when they so pressingly supported the bill, but it is out of their power longer to make us, or to make the country believe, that there is necessity for the measure, so wounding to our own country. Nothing can prevent us receiving with pleasure the accommodation now proposed, or make us again open the wounds of our separation. Nothing remains respecting that convention but an acquiescence in the part of France to an article which was inserted at the instance of our negotiators, and consequently its expulsion will be received with pleasure by the nation. Will, then, not one solitary advocate for this bill arise, and give his reasons why the prohibition should be renewed? It really appears to me a measure of the most extraordinary nature: it is bordering on *insanity*. No man dares vindicate it! No man advocates what he assisted in promoting! If it is to be carried into effect, I hope it will not be carried into effect with a sullen silence, tending to insult the understanding of the nation.

Mr. RUTLEDGE did not know that the reasons would be very agreeable to the gentleman who had ascribed them to "insanity," but he might be assured there were reasons for the measure, and such as its advocates would not be ashamed to acknowledge. Not being a member of the Committee of Commerce he could not give their reasons, but though the gentleman thought there was not one solitary reason to be advanced he would give his reasons. He wished to let France know that the productions of our country were useful to her, and that we would rather let them rot in our own country, than expose such weakness to her as to make her believe we must at all events bring them to market. Sir, said Mr. R., we are