

but there are some upon this floor who have been admitted by the negro barber through a window. I ask that all except members be required to retire.

The SPEAKER. The Chair would state that other persons besides members are entitled to the privilege of the floor.

Mr. HARRINGTON. I ask, then, that all except those who are entitled to the privilege of the floor by the rules of the House be required to withdraw.

The SPEAKER. The gentleman from Indiana insists that all those who are not privileged shall retire.

Mr. STEVENS. Is it in order to move that those now upon the floor may remain?

The SPEAKER. It would require unanimous consent.

Mr. STEVENS. I will move a suspension of the rules.

The SPEAKER. The rules can only be suspended on Monday after the morning hour.

Mr. FARNSWORTH. I do not understand that the ante-rooms are within the bar of the House.

The SPEAKER. They are not.

Mr. COLE, of California. I would inquire if members of the Electoral College are not entitled to the privilege of the floor upon this occasion?

The SPEAKER. The Chair does not know of any rule which entitles them to the floor. They might be permitted to remain by courtesy, but the Chair can give no order on the subject.

Mr. COLE, of California. I move that they be permitted to occupy places on the floor.

The SPEAKER. That can be done by unanimous consent.

No objection was made.

PRIVATE LAND CLAIMS IN ARIZONA.

Mr. THAYER, by unanimous consent, from the Committee on Private Land Claims, reported a bill to provide for the settlement of private land claims in the Territory of Arizona; which was read a first and second time, recommitted to the committee, and ordered to be printed.

Mr. J. C. ALLEN. I would inquire what the regular order of business is at this hour, [one o'clock, p. m.] under the rules of the House.

The SPEAKER. Until the Senate arrives, the bill in regard to reconstruction is in order, upon which the gentleman from Massachusetts [Mr. Dawes] is entitled to the floor.

Mr. J. C. ALLEN. Have not the House fixed that they will proceed at this hour to count the electoral votes?

The SPEAKER. They have; but the Senate has not yet come.

Mr. DAWES. Before we proceed with the regular order, I desire to move that the evening session for this evening be dispensed with, and I would like to submit a few remarks upon that subject.

The SPEAKER. The gentleman will suspend his remarks.

COUNTING THE ELECTORAL VOTES.

At five minutes past one o'clock, p. m., the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall, preceded by its Sergeant-at-Arms and headed by the Vice President and the Secretary of the Senate, the members and officers of the House rising to receive them. The Senators took the seats set apart for them in the eastern section of the Hall.

The VICE PRESIDENT took his seat as Presiding Officer of the joint convention of the two Houses, the Speaker occupying a chair on the left of the Vice President.

Senator TRUMBULL, the teller appointed on the part of the Senate, and Messrs. WILSON and DAWSON, the two tellers appointed on the part of the House, took their seats at the Clerk's desk, at which the Secretary of the Senate and the Clerk of the House also occupied seats; two of the clerks of the Senate occupying seats at the reporters' desk.

The VICE PRESIDENT. The Senate and House of Representatives having met under the provisions of the Constitution for the purpose of opening, determining, and declaring the votes for the offices of President and Vice President of the United States for the term of four years com-

mencing on the 4th of March next, and it being my duty, in the presence of both Houses thus convened, to open the votes, I now proceed to discharge that duty.

The Vice President then proceeded to open and hand to the tellers the votes of the several States for President and Vice President of the United States, commencing with the State of Maine.

Senator TRUMBULL, one of the tellers, read in full the certificate of the vote of the State of Maine, giving seven votes for Abraham Lincoln, of Illinois, for President of the United States, and seven votes for Andrew Johnson, of Tennessee, for Vice President of the United States.

Senator WADE. Mr. President, I move to dispense with the reading of everything in the certificate except the result of the vote.

Mr. COX. Mr. President, I believe that it is not competent for this joint convention to have any motion submitted, but I suggest, as General Cass suggested in 1857, that only the result of the votes shall be announced.

The VICE PRESIDENT. That can be done, as suggested. The Chair does not think that it is within his power to receive the motion, unless the Senator from Ohio desire that the Senate shall separate in order to pass upon the question.

Senator WADE. I do not propose any such thing. I believe we may dispense with the reading of all but the results.

The VICE PRESIDENT. The Chair will, therefore, if there be no objection, direct the results of the returns only to be read. The tellers will now read the results of the vote of the State of New Hampshire.

The tellers reported, through Senator TRUMBULL, that they had examined the vote of the State of New Hampshire, that they found it in due form, that all the votes given for President of the United States were five, all which were for Abraham Lincoln, of the State of Illinois; and that all the votes given for Vice President of the United States were five, all of which were for Andrew Johnson, of the State of Tennessee.

The same form was observed in announcing the votes of the other States.

The tellers having read, through Mr. WILSON, the certificate from the State of Nevada, showing that two votes had been given for Abraham Lincoln, of Illinois, for President, and two votes for Andrew Johnson, of Tennessee, for Vice President.

The VICE PRESIDENT said: The Chair will state to the convention that the messenger who bore the returns from the State of Nevada communicated the fact that the third elector did not appear when the vote was taken. The State having been but recently admitted into the Union, had no law by which the vacancy could be filled; and consequently but two votes were given for President and Vice President.

The vote of the State of Nevada having been recorded,

Senator COWAN said: Mr. President, I inquire whether there are any further returns to be counted.

The VICE PRESIDENT. There are not.

Senator COWAN. And if there be, I would inquire why they are not submitted to this body in joint convention, which is alone capable of determining whether they should be counted or not.

The VICE PRESIDENT. The Chair has in his possession returns from the States of Louisiana and Tennessee, but in obedience to the law of the land the Chair holds it to be his duty not to present them to the convention.

Senator COWAN. I ask whether the joint resolution on that subject has become a law by having received the approval of the President of the United States?

The VICE PRESIDENT. The Chair believes that the official communication of its approval by the President has not been received by either House. The Chair, however, has been apprised of the fact that the joint resolution has received the approval of the President.

Senator COWAN. Then, as a motion is not in order in this body, I suggest that the votes of Louisiana and Tennessee be counted, and that this convention determine the fact.

Mr. COX. I suggest the reading of the joint resolution by which our action is to be determined.

The VICE PRESIDENT. The Secretary will

read the joint resolution under which the House and Senate are now acting.

The Secretary of the Senate then read, as follows:

Resolved by the Senate, (the House of Representatives concurring therein,) That the following be added to the joint rules of the two Houses, namely:

The two Houses shall assemble in the Hall of the House of Representatives at the hour of one o'clock, p. m., on the second Wednesday in February next succeeding the meeting of the electors of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer. One teller shall be appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and said tellers having read the same in the presence and hearing of the two Houses thus assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, and together with the list of the votes, be entered on the Journals of the two Houses.

If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and said question shall be submitted to that body for its decision; and the Speaker of the House of Representatives shall in like manner submit said question to the House of Representatives for its decision; and no question shall be decided affirmatively, and no vote objected to shall be counted, except by the concurrent votes of the two Houses, which being obtained, the two Houses shall immediately reassemble, and the Presiding Officer shall then announce the decision of the question submitted; and upon any such question there shall be no debate in either House. And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

At such joint meeting of the two Houses seats shall be provided as follows: for the President of the Senate, the Speaker's chair; for the Speaker, a chair immediately upon his left; for Senators, in the body of the Hall upon the right of the Presiding Officer; for the Representatives, in the body of the Hall not occupied by the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon either side of the Speaker's platform.

Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared, and no recess shall be taken unless a question shall have arisen in regard to the counting of any such votes, in which case it shall be competent for either House, acting separately in the manner heretofore provided, to direct a recess not beyond the next day at the hour of one o'clock, p. m.

Mr. STEVENS. I do not think any question has arisen which requires the two Houses to separate. That, according to the wording of the joint resolution, can only be upon the reading of the returns which have been opened by the President of the convention.

Senator COWAN. I merely wish to say that, believing as I do that it rests with this joint convention, in its joint capacity, to determine all questions which ought to arise here, I have done what I have thought to be my duty in bringing to the attention of the convention the question which I have raised. Having done so, I now beg leave to withdraw it.

The VICE PRESIDENT. The Chair did not understand the Senator from Pennsylvania [Mr. Cowan] as making any distinct motion, but merely a simple suggestion.

Senator COWAN. I understood that no motion could be entertained in this convention.

The VICE PRESIDENT. Motions can be entertained upon any matters pertinent to the purpose for which the convention has assembled. The decision of those motions must be determined by the two Houses separately, after the Senate shall have withdrawn from the convention.

Mr. YEAMAN. Mr. President, if it requires a distinct motion to determine the question, I will move that all the returns before this joint convention be opened and presented for its consideration.

The VICE PRESIDENT. The Chair is of the opinion that the motion of the member from Kentucky [Mr. YEAMAN] is in order, being pertinent to the object for which the House and Senate have assembled in joint convention. The member will reduce his motion to writing, so that the precise question shall be in possession of the Senate when it shall retire for the determination of the question presented for the consideration of the convention.

Mr. PRUYN. I wish to inquire whether a second proposition, one in regard to the counting of the votes, can be entertained before the two Houses shall separate. If so I desire to move

that the tellers be instructed not to count the vote of the so-called State of West Virginia.

The VICE PRESIDENT. In the opinion of the Chair the motion of the member from New York [Mr. PRUYN] is made too late, the vote of the State of West Virginia having been already announced and declared.

Mr. PRUYN. With all respect to the Vice President, I desire to say that I understand the rule to be this: the certificates of the votes of the respective States have been opened, read, and announced, and now the tellers, as the proper officers of this joint convention, are to pass upon those votes, and announce the result. My motion is that the tellers be instructed not to count the vote of the so-called State of West Virginia.

Mr. WHALEY. If it be in order, I would ask the gentleman from New York [Mr. PRUYN] to state his reasons for his motion.

The VICE PRESIDENT. The language of the rule under which the two Houses are now acting is as follows:

"If upon the reading of any such certificate by the tellers, any question shall arise as to the counting of the votes therein certified," &c.

The question must be raised when the vote is announced. In the opinion of the Chair the member from New York [Mr. PRUYN] should have made his motion, in order to come within the rule, at the time the tellers announced the vote of the State of West Virginia.

Mr. COX. If the rule is that which has just been enunciated by the Chair, how is it that the gentleman from Kentucky [Mr. YEAMAN] can submit his motion before the Vice President shall have opened, and the tellers shall have announced, the votes of the States of Louisiana and Tennessee?

The VICE PRESIDENT. In the opinion of the Chair the motion of the member from Kentucky [Mr. YEAMAN] is in order. It does not apply to a return where objection is made, but it applies to a return which has not been submitted to the convention. It is a distinct motion that a return shall be submitted to the convention. It comes within the latter clause of the joint resolution, which relates to any other motion pertinent to the object for which the two Houses have met in convention.

Senator FARWELL. I would suggest that the question raised by the member from Kentucky [Mr. YEAMAN] has already been decided by the two Houses of Congress in the passage of the joint resolution which has just been read. It is not in order, therefore, to again raise the question in this convention, the point of order having already been determined by the two Houses of Congress.

The VICE PRESIDENT. Does the Senator from Maine [Mr. FARWELL] raise a question of order upon the ruling of the Chair?

Senator FARWELL. I raise the question of order that this question has already been decided by the two Houses of Congress in passing the joint resolution under which this convention is acting, which joint resolution has been approved by the President.

The VICE PRESIDENT. The fact of that approval of the President is within the knowledge of the Chair, and in consequence of that knowledge the Chair has seen fit to withhold the returns of the States in question. There has been no official promulgation of that approval of the President. Still, in the opinion of the Chair, if either branch of Congress shall be disposed to order the returns now upon the table to be read, it is within their power to do so. The reading of the returns would be one thing; then would arise another question, whether the vote in the return so read should be added to the count of the tellers. In the opinion of the Chair the motion of the member from Kentucky [Mr. YEAMAN] is in order.

Mr. YEAMAN. Before I submit my motion in writing, I would inquire whether the submission of that motion would require the temporary dissolution of this convention and the resolving of the two Houses into their separate bodies in their respective Chambers?

The VICE PRESIDENT. The Chair has no doubt upon that point. Each House must determine the question in its own Chamber; and each House has a negative upon the determination of the other.

Mr. YEAMAN. Then I desire to submit another suggestion.

Mr. WASHBURN, of Illinois. I object to any debate.

The VICE PRESIDENT. All debate is out of order. The rule itself prescribes that no question shall be debated in the convention.

Mr. YEAMAN. Then I withdraw my motion, if it requires the separation of the convention into the two Houses.

The motion was accordingly withdrawn. Senator TRUMBULL, on the part of the tellers, announced the following as the result of the vote for President and Vice President of the United States:

List of votes for President and Vice President of the United States for the constitutional term to commence on the 4th day of March, 1865.

Number of electoral votes.	States.	President.		Vice President.	
		Abraham Lincoln, of Illinois.	George B. McClellan, of New Jersey.	Andrew Johnson, of Tennessee.	George H. Pendleton, of Ohio.
7	Maine.....	7		7	
5	New Hampshire.....	5		5	
12	Massachusetts.....	12		12	
4	Rhode Island and Providence Plantations.....	4		4	
6	Connecticut.....	6		6	
5	Vermont.....	5		5	
33	New York.....	33		33	
7	New Jersey.....		7		7
26	Pennsylvania.....	26		26	
3	Delaware.....		3		3
7	Maryland.....	7		7	
11	Kentucky.....		11		11
21	Ohio.....	21		21	
13	Indiana.....	13		13	
16	Illinois.....	16		16	
11	Missouri.....	11		11	
8	Michigan.....	8		8	
8	Wisconsin.....	8		8	
8	Iowa.....	8		8	
5	California.....	5		5	
4	Minnesota.....	4		4	
3	Oregon.....	3		3	
3	Kansas.....	3		3	
5	West Virginia.....	5		5	
2	Nevada.....	2		2	
233	Total.....	212	21	212	21

The VICE PRESIDENT. The tellers report that the whole number of votes cast for President and Vice President of the United States is 233; necessary to a choice, 117. For President of the United States, the tellers report that Abraham Lincoln, of Illinois, has received 212 votes; George B. McClellan, of New Jersey, has received 21 votes. For Vice President of the United States, the tellers announce that Andrew Johnson, of Tennessee, has received 212 votes, and George H. Pendleton, of Ohio, has received 21 votes:

Wherefore, I do declare that ABRAHAM LINCOLN, of the State of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years commencing on the 4th day of March, 1865; and that ANDREW JOHNSON, of the State of Tennessee, having received a majority of the whole number of electoral votes for Vice President of the United States, is duly elected Vice President of the United States for four years commencing on the 4th day of March, 1865.

[The announcement of the result of the vote was received with applause upon the floor and in the galleries.]

The VICE PRESIDENT. The object for which the House and the Senate have assembled in joint convention having transpired, the Senate will retire to its Chamber.

The Senate accordingly retired from the Hall of the House of Representatives, when the House was again called to order.

EVENING SESSION DISPENSED WITH.

The SPEAKER. The pending question, at the time of the entrance of the Senate into the Hall, was on the motion of the gentleman from Massachusetts [Mr. DAWES] that the session of this evening be dispensed with.

Mr. STEVENS. If that motion be adopted, will the tax bill come up as the first business in the morning?

The SPEAKER. There is but one special order in Committee of the Whole on the state of the Union which antedates the tax bill, and that is the Indian appropriation bill, which, by unanimous consent, is understood to be passed over. As by unanimous consent the tax bill was made the special order for this evening at seven o'clock, and until disposed of, therefore, if there should be no session this evening, to-morrow morning, after the morning hour, the tax bill will be the special order in Committee of the Whole.

Mr. STEVENS. Then I have no objection to the motion to dispense with the session this evening.

Mr. DAWES. I supposed, in making the motion, that I was acting in accordance with the wishes of the chairman of the Committee of Ways and Means.

The motion of Mr. DAWES was agreed to. Mr. DAWES. I desire to ask what will be the first business to-morrow.

The SPEAKER. There will be a morning hour, during which the committees will be called for public business, beginning with the Committee on Public Lands. After that, the reconstruction bill will come up, unless the House should go into Committee of the Whole on the state of the Union, in which case the tax bill will be the special order.

Mr. STEVENS. I move that the House do now adjourn.

The motion was agreed to. And thereupon the House (at two o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, February 9, 1865.

Prayer by Rev. B. H. NADAL, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY. The Senate will please come to order. I have received from the President of the Senate the following letter:

VICE PRESIDENT'S CHAMBER, WASHINGTON, February 9, 1865.

SIR: I shall be absent from Washington for several days from date. Please inform the Senate of this fact.

H. HAMLIN.

Hon. J. W. FORNEY, Secretary of the Senate.

Mr. FOOT. Mr. Secretary, I offer this resolution:

Resolved, That, in the absence of the Vice President, Hon. DANIEL CLARK, of New Hampshire, be, and he is hereby, chosen President of the Senate pro tempore.

The resolution was adopted nem. con., and the Secretary designated Messrs. FOOT, ANTHONY, and BUCKALEW to escort Mr. CLARK to the chair. On motion of Mr. FOOT, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that, in the absence of the Vice President, the Senate has chosen Hon. DANIEL CLARK, of New Hampshire, President of the Senate pro tempore, and that he make a similar communication to the House of Representatives.

On motion of Mr. GRIMES, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

Mr. MORGAN. I offer proceedings of the Chamber of Commerce of the State of New York, relating to various subjects. I move that so much of the document as relates to a general tax on sales of merchandise be referred to the Committee on Finance; so much as relates to a ship-canal around the falls of Niagara, to the Committee on Military Affairs; so much as relates to a monthly or semi-monthly line of steamers from San Francisco to China and Japan, and the Pacific Mail Steamship Company, to the Committee on Post Offices and Post Roads; and so much as relates to fast-sailing ships of the Navy being made to answer the double purposes of cruisers and mail packets, to the Committee on Naval Affairs.

The motion was agreed to.

The PRESIDENT pro tempore. It will be necessary to print the communication by unanimous consent of the Senate, in order that the different portions may go to the respective committees.

Mr. MORGAN. I ask that the order to print be made.

The PRESIDENT pro tempore. That order