

to report a joint resolution, and put it on its passage now.

Mr. McCARTHY. I object.

FREDERICK HALL.

Mr. DRIGGS, by unanimous consent, submitted a report from the Committee on the Public Lands, on the petition of Frederick Hall, praying confirmation of title to certain lands in the State of Michigan under treaty stipulations; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

CAPTAIN WILLIAM A. PARKER.

Mr. JOHNSON, by unanimous consent, presented the petition of Captain William A. Parker, of the United States Navy, asking to be replaced upon the active list of naval officers; which was referred to the Committee on Naval Affairs.

INDIAN AFFAIRS.

Mr. CLARKE, of Kansas, obtained leave to have printed in the Globe remarks upon Indian affairs. [See Appendix.]

PENSION LAWS.

Mr. PERHAM, by unanimous consent, reported from the Committee on Invalid Pensions, a bill (H. R. No. 1915) relating to the operations of the pension laws, and for other purposes; which was read a first and second time, ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

GOVERNMENT DEPOSITS ABROAD.

Mr. RANDALL. I ask unanimous consent to submit the following resolution:

*Resolved*, That the Secretary of the Treasury be requested to inform the House what amount of money is deposited on account of the United States with bankers or brokers in London, Paris, or elsewhere beyond the boundary of the United States; stating also, the amount of such deposits on the 1st day of January and July of each year since the year 1860, inclusive; the rate and amount of interest received thereon, if any; and what rate of commission is charged for keeping the accounts and paying the drafts of the United States drawn against such deposits; and what disposition has been made of such interest so received.

Mr. McCARTHY. I object.

COUNTING THE ELECTORAL VOTE.

Mr. WOOD. I desire to inquire whether any message has been sent to the Senate that we have determined this question with regard to counting the vote of Georgia, and are waiting for the reassembling of the joint convention?

The SPEAKER. A message has been sent to the Senate, communicating the action of the House upon the objection of the gentleman from Massachusetts, [Mr. BUTLER.] The Chair has learned informally, not from any official communication from the Senate, that that body has adopted a resolution that the objection was not in order under the joint rule. That action will be communicated to the House for its consideration.

Mr. ELDRIDGE. I would like to inquire of the Speaker whether he is now ready to announce what position the House will be in when that fact is officially announced?

The SPEAKER. The Chair is not prepared at present to answer the inquiry.

Mr. FARNSWORTH. I desire, in view of the statement of the Chair in regard to the action of the Senate, to make one or two inquiries of the Chair, that the House may understand this matter.

The SPEAKER. The Chair cannot answer any such inquiries until the action of the Senate has been officially communicated. The Chair merely stated his informal information.

Mr. FARNSWORTH. I desire to inquire whether—

The SPEAKER. The Chair will decline to answer all inquiries with regard to the action of the Senate until that action has been officially communicated.

Mr. FARNSWORTH. The point upon which I desire to get the opinion of the Chair is whether it is competent for the House of Representatives, acting separately from the Senate, to rescind or annul the action of the

two Houses in the adoption of the concurrent resolution on this subject.

The SPEAKER. The Chair declines to answer that question at present.

Mr. PILE. I desire to inquire whether it would be in order to send a messenger to see what has become of the Senate?

The SPEAKER. It would scarcely be deemed respectable toward that body. The Senate will communicate its action to the House in its own time.

Mr. THOMAS. Mr. Speaker, as other gentlemen seem reluctant as to how they will extract the House from a very unnecessary entanglement, although unaccustomed to take much part in its proceedings, I have determined to submit a proposition. I move to reconsider the vote given by the House touching the question mooted by the gentleman from Massachusetts.

The SPEAKER. Did the gentleman vote with the majority?

Mr. THOMAS. I did.

The SPEAKER. The motion is in order.

Mr. THOMAS. If the House will allow me I will for a moment assign a few reasons.

The SPEAKER. The question is not debatable under the concurrent resolution of the two Houses.

Several MEMBERS. Can we not grant unanimous consent?

The SPEAKER. No unanimous consent can waive the action of the two Houses.

Mr. BINGHAM. I desire to make a parliamentary inquiry.

Mr. THOMAS. I was about to ask the Chair a similar question. The inclination of my own mind is in that way very strong that it is not competent for the House of Representatives by a vote of this character to supersede the resolution adopted by the Senate and House concurrently. That resolution fixed the mode of action and prescribed the rule of conduct for the Senate and House in joint meeting. I have no reference to the separate action of this body.

The SPEAKER. A reply to that question would involve a discussion of questions properly transpiring in joint convention of the two Houses over which the Speaker of this House has no power.

Mr. THOMAS. I submit the motion to reconsider, and each member can act upon his own responsibility.

Mr. DICKEY. I move that the motion to reconsider be laid upon the table.

Mr. BENJAMIN. The gentleman from Massachusetts made the motion to reconsider, and it was laid upon the table.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDRIDGE] having demanded the yeas and nays the motion was withdrawn.

Mr. SCHENCK. Has any message been received from the Senate?

The SPEAKER. None as yet.

Mr. BUTLER, of Massachusetts. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 57, not voting 48; as follows:

YEAS—Messrs. Allison, Delos R. Ashley, Baldwin, Banks, Benjamin, Benton, Blaine, Blair, Boies, Boutwell, Bromwell, Broomall, Buckley, Benjamin F. Butler, Roderick R. Butler, Calkins, Churchill, Reader W. Clarke, Sidney Clarke, Clift, Cobb, Corburn, Corley, Covode, Cullom, Dawes, Deweese, Dickey, Dixon, Dodge, Donnelly, James T. Eckley, Eggleston, Eli, Thomas D. Eliot, Driggs, Elliott, Ferriss, Ferry, French, Goss, Gore, Gravely, Halsey, Hamilton, Harding, Haughey, Higby, Hill, Hooper, Hopkins, Hulburd, Hunter, Ingersoll, Alexander H. Jones, Judd, Julian, Kelsey, Kitchen, Lash, Lincoln, Loan, Logan, Loughridge, Mallory, Maynard, McCarthy, McKee, Miller, Moore, Morrill, Mullins, Newcomb, Newsham, Norris, O'Neill, Orth, Paine, Perham, Pettis, Pierce, Pike, Poland, Polsky, Prince, Raum, Robertson, Roots, Sawyer, Schenck, Secor, field, Selye, Shanks, Starkweather, Stevens, Stewart, Stokes, Stover, Sypker, Taft, Taylor, Trowbridge, Twichell, Upson, Van Aernam, Burt Van Horn, Robert T. Van Horn, Van Wyck, Ward, Henry D. Washburn, William B. Washburn, Welker, Whittemore, Thomas Williams, Stephen F. Wilson, and Woodbridge—117.

NAYS—Messrs. Axtell, Baker, Barnes, Barnum,

Beaman, Beatty, Beck, Bingham, Boyden, Boyer, Brooks, Burr, Cary, Chanler, Eldridge, Farnsworth, Getz, Glossbrenner, Golladay, Grover, Haight, Hawkins, Holman, Hotchkiss, Chester D. Hubbard, Humphrey, Jencks, Johnson, Thomas L. Jones, Ketcham, Knott, Koontz, Laffin, George V. Lawrence, Marshall, Moorhead, Munken, Niblack, Nicholson, Phelps, Pile, Pruyn, Randall, Ross, Sitgreaves, Smith, Stone, Taber, Tift, John Trimble, Van Auken, Van Trump, James F. Wilson, Windom, Wood, Woodward, and Young—57.

NOT VOTING—Messrs. Adams, Ames, Anderson, Archer, Arnell, James M. Ashley, Bailey, Blackburn, Bowen, Buckland, Cook, Cornell, Delano, Dockery, Edwards, Fields, Fox, Garfield, Griswold, Heaton, Asabel W. Hubbard, Richard D. Hubbard, Kelley, Kellogg, Kerr, William Lawrence, Lynch, Marvin, McCormick, McCullough, Mercur, Morrissey, Myers, Nunn, Peters, Plants, Pomeroy, Price, Robinson, Shellabarger, Spalding, Thomas, Lawrence S. Trimble, Vidal, Cadwalader C. Washburn, Elihu B. Washburne, William Williams, and John T. Wilson—48.

So the motion to reconsider was laid on the table.

During the roll-call a message from the Senate was communicated by Mr. GORHAM, its Secretary, informing the House that that body had resolved that, under the special order of the two Houses respecting the electoral vote of the State of Georgia, the objections made to the counting of the electoral votes of that State are not in order.

Mr. WOOD moved that the roll-call be suspended for the purpose of admitting the body of the Senate.

The SPEAKER. The House has ordered the roll to be called. Upon the entrance of the Senate the Speaker would be obliged to vacate the chair, but even that cannot interrupt the roll-call; nothing can interrupt it but the close of a session of Congress.

The roll-call having been completed, and the result announced as above,

At half past four o'clock the Senate in a body reentered the Hall; and

The PRESIDENT having resumed the chair, said: The objections of the gentleman from Massachusetts are overruled by the Senate, and the result of the vote will be stated as it would stand were the vote of the State of Georgia counted, and as it would stand if the vote of that State were not counted, under the concurrent resolution of the two Houses.

Mr. BUTLER, of Massachusetts. I desire to state that the House sustained the objection of "the gentleman from Massachusetts." [Laughter.] I now submit the following resolution. I do not understand that we are to be overruled by the Senate in that way. [Laughter.]

Mr. WOOD. I rise to a question of order.

The PRESIDENT. The Chair declines to receive the resolution. The tellers will make out the statement of the vote as directed.

Mr. BUTLER, of Massachusetts. I appeal from the decision of the Chair to the convention.

Mr. WOOD. Order!

Mr. BUTLER, of Massachusetts. Let us see whether we have any rights in the House or not.

The PRESIDENT. The tellers will make out the statement under the concurrent resolution as directed.

Mr. BUTLER, of Massachusetts. Does the Chair entertain my resolution?

The PRESIDENT. I do not.

Mr. BUTLER, of Massachusetts. Does the Chair entertain the appeal?

The PRESIDENT. No, sir; he does not entertain the appeal. [Laughter.]

Mr. BUTLER, of Massachusetts. Does the Chair hold as a matter of order that the Senate can overrule this House?

Many MEMBERS. "Order!" "Order!"

Mr. BUTLER, of Massachusetts. I do not understand that the representatives of the people who have elected a President can be overruled.

Many MEMBERS. "Order!" "Order!"

Mr. BUTLER, of Massachusetts. The question is whether the Senate can overrule an order or a resolution of this House. I know I speak the sentiment of the House. Do I not?

Many MEMBERS. "Yes!" "Yes!"  
Mr. BUTLER, of Massachusetts. Now, then, shall we have this unseemly scene—

Calls to order.  
The PRESIDENT. No debate is admissible.

Mr. BUTLER, of Massachusetts. I am not debating; and neither calls to order nor arbitrary proceedings can override the privileges of this House.

The PRESIDENT. If the gentleman is not debating he will resume his seat. [Laughter.]

Mr. BUTLER, of Massachusetts. I appeal from the decision of the Chair.

The PRESIDENT. The Chair will not entertain the appeal.

Mr. BUTLER, of Massachusetts. I appeal from that decision.

The PRESIDENT. Nothing is in order but the statement of the vote.

Mr. WOOD. Have we a Sergeant-at-Arms attached to this body?

Mr. SHANKS. Will it be in order to ask for the reading of the rule governing this body?

The PRESIDENT. It would not be in order.

Mr. INGERSOLL. I object to any further proceeding on the part of this body until that appeal is entertained and action is had upon it by this body. [Loud shouts of "Order!" "Order!" and great confusion.]

Mr. CALLIS. Mr. President, I rise to a point of order. I cannot believe that members on this floor are in earnest when they indulge in such undignified—

Cries of "Order!" "Order!"

Mr. CALLIS. If it be in order, I move that this convention now adjourn.

The PRESIDENT. That motion is not in order.

Mr. FARNSWORTH. I rise to a point of order.

Mr. INGERSOLL. I call my colleague to order.

Mr. FARNSWORTH. I make the point of order that an appeal cannot be taken from the decision of the President of this body. [Renewed shouts of "Order!" ]

The PRESIDENT. There is no appeal entertained. The gentleman from Massachusetts [Mr. BUTLER] will resume his seat.

Mr. BUTLER, of Massachusetts, [amid great uproar.] I am in order. I desire the reading of the joint rule upon the subject of counting the votes, which expressly states that a vote cannot be counted unless both Houses concur. I do not know of any power which the President has to override the rules. [Loud cries of "Order!" ]

The PRESIDENT. The tellers will perform their duty under the concurrent resolution as directed.

Mr. INGERSOLL. I object.

The PRESIDENT. The Chair understands that. [Laughter.]

Mr. INGERSOLL. Now the Senate can retire and consider that objection. [Laughter and cries of "Order!" ]

The PRESIDENT. Order! order!

Mr. ELDRIDGE. Would it be in order to have peace! [Great laughter.]

Mr. VAN HORN, of Missouri. I rise to a point of order.

Mr. BUTLER, of Massachusetts. I again insist on my appeal from the order of the Chair.

The PRESIDENT. The Chair has decided that an appeal cannot be entertained in the joint convention.

Mr. BUTLER, of Massachusetts. From that decision I have the honor to appeal.

The PRESIDENT. We decide that in the same way. [Laughter.]

Mr. VAN HORN, of Missouri. I rise to a point of order, and I wish to state it. The point of order that I make is this, that since the retiring of the Senate upon the objection of the gentleman from Massachusetts [Mr. BUTLER] there has been no report made of the action of both Houses upon that subject, and we cannot proceed until a full report is made.

The PRESIDENT. The votes have all been counted, and the statement of the result will be made under the concurrent resolution of both Houses. [Loud cries of "No!" "No!" and other cries of "Announce the vote!" ]

Mr. DRIGGS. I move that the joint convention adjourn.

Mr. BUTLER, of Massachusetts. Let us have the House to ourselves. [Laughter and shouts of "Order!" ] I respectfully move that the Senate have leave to retire. [Renewed laughter and applause in the galleries.]

Senator DOOLITTLE. I rise to a point of order. It is that everything except the execution of the joint order of both Houses is out of order, and I demand that that order shall now be executed. [Loud shouts of "Order!" "Order!" "Announce the vote!" ]

Mr. VAN HORN, of Missouri. I demand a decision on the point of order I have made before any other point can be entertained.

Mr. DICKEY. I desire to make an inquiry of the Chair, whether it is competent for the Senate to decide points of order for this joint convention?

Mr. INGERSOLL, (amid cries of "Order!" and the greatest confusion.) There must be some misunderstanding with regard to the position of the question at this time. It is not understood by the House generally.

Senator DOOLITTLE. I rise to a point of order.

Mr. BENTON. I object.

Mr. INGERSOLL. It is not understood.

The PRESIDENT. The gentleman is out of order.

Senator DOOLITTLE. I ask the Chair to call on the tellers to proceed. [Loud cries of "Order!" and "the vote." ] I demand that the tellers shall proceed. [Renewed cries of "Order!" "Order!" and "Announce the vote!" ]

Mr. BROMWELL. I rise to ask a question about the order of this proceeding, and I think the Chair will hold it to be a pertinent question. I wish to know, and there are a hundred men here who wish to know, by what authority the Chair makes the ruling denying the right of appeal in this convention from the decision of the Chair?

The PRESIDENT. We are proceeding under a concurrent resolution of both bodies, which has declared how the counting and announcement of the votes shall be proceeded with.

Mr. BROMWELL. But does the concurrent resolution of both bodies prescribe who shall determine when that order is executed in order? [Cries of "Order!" ]

Mr. BANKS. I ask leave of the convention to make a suggestion which I think will relieve us from the difficulty in which we are placed. [Shouts of "Hear him!" "No!" "No!" "Announce the vote!" ]

Mr. ELDRIDGE. We want a fair fight. If anybody is going to pitch in let us all have a chance. [Laughter.] I object.

The PRESIDENT. Objection being made, no debate is in order and the vote will be announced. The tellers will proceed with the count. [Cries of "Object!" "The vote!" "The vote!" and great uproar.]

Mr. BANKS. I ask leave of the convention to say a word. [Continued uproar.]

Mr. WOOD. I hope the Chair will do his duty. I demand a count of the votes.

Mr. BUTLER, of Massachusetts. I move that this convention now be dissolved, and that the Senate have leave to retire. [Continued cries of "Order!" "Order!" ] And on that motion I demand a vote. [Cries of "Order!" "Order!" from various parts of the Hall.] We certainly have the right to clear the Hall of interlopers.

The PRESIDENT. The tellers will now declare the result.

Senator CONKLING (one of the tellers) then proceeded to declare the result, amid great noise and disorder, the President endeavoring to maintain order by repeated raps of the gavel.

The uproar continuing,

The SPEAKER said: The Speaker of the House appeals to members of the House to preserve order. The Sergeant-at-Arms of the House will arrest any member refusing to obey the order of the President of this convention.

The result of the vote, as announced by the tellers, was as follows:

List of votes for President and Vice President of the United States for the constitutional term to commence on the 4th of March, 1869.

States.	Number of electoral votes.	For President.		For Vice President.	
		Ulysses S. Grant, of Illinois.	Horatio Seymour, of New York.	Schuyler Colfax, of Indiana.	Francis P. Blair, Jr., of Missouri.
Maine.....	7	7	-	7	-
New Hampshire.....	5	5	-	5	-
Vermont.....	5	5	-	5	-
Massachusetts.....	12	12	-	12	-
Rhode Island.....	4	4	-	4	-
Connecticut.....	6	6	-	6	-
New York.....	33	-	33	-	33
New Jersey.....	7	-	7	-	7
Pennsylvania.....	26	26	-	26	-
Delaware.....	3	3	-	3	-
Maryland.....	7	7	-	7	-
North Carolina.....	9	9	-	9	-
South Carolina.....	6	6	-	6	-
Georgia.....	9	-	9	-	9
Alabama.....	8	8	-	8	-
Louisiana.....	7	-	7	-	7
Ohio.....	21	21	-	21	-
Kentucky.....	11	11	11	-	11
Tennessee.....	10	10	-	10	-
Indiana.....	13	13	-	13	-
Illinois.....	16	16	-	16	-
Missouri.....	11	11	-	11	-
Arkansas.....	5	5	-	5	-
Michigan.....	5	5	-	5	-
Florida.....	5	5	-	5	-
Iowa.....	5	5	-	5	-
Wisconsin.....	5	5	-	5	-
California.....	5	5	-	5	-
Minnesota.....	4	4	-	4	-
Oregon.....	3	-	3	-	3
Kansas.....	3	3	-	3	-
West Virginia.....	5	5	-	5	-
Nevada.....	3	3	-	3	-
Nebraska.....	2	2	-	2	-
Including Georgia.....	294	214	80	214	80
Excluding Georgia.....	285	214	71	214	71

The PRESIDENT. The tellers report that the whole number of votes cast for President and Vice President of the United States, including the votes of the State of Georgia, is 294, of which the majority is 148; excluding the votes of the State of Georgia it is 285, of which the majority is 143. The result of the vote, as reported by the tellers, for President of the United States, including the State of Georgia, is—for Ulysses S. Grant, of Illinois, 214 votes; for Horatio Seymour, of New York, 80 votes. Excluding the State of Georgia, the result of the vote is—for Ulysses S. Grant, of Illinois, 214 votes; for Horatio Seymour, of New York, 71 votes. The result of the vote, as reported by the tellers, for Vice President of the United States, including the State of Georgia, is—for SCHUYLER COLFAX, of Indiana, 214 votes; and for Francis P. Blair, of Missouri, 80 votes. Excluding the State of Georgia, the result of the vote is—for SCHUYLER COLFAX, of Indiana, 214 votes; and for Francis P. Blair, of Missouri, 71 votes.

Wherefore, in either case, whether the votes of the State of Georgia be included or excluded, I do declare that Ulysses S. Grant, 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, 1869; and that SCHUYLER COLFAX, of the State of Indiana, 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, 1869.

The object for which the House and 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.

The Speaker then resumed the chair and called the House to order.

#### QUESTION OF PRIVILEGE.

Mr. BUTLER, of Massachusetts, said: I rise to a question of privilege, and offer the following resolution:

*Resolved*, That the House protest that the counting of the vote of Georgia by the order of the Vice President *pro tempore* was a gross act of oppression and an invasion of the rights and privileges of the House.

Mr. HOLMAN. I object to the introduction of that resolution.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] claims this to be a question of privilege, and the Chair decides that it is.

Mr. RANDALL. I rise to a question of order.

The SPEAKER. The gentleman will state his point of order.

Mr. RANDALL. My point of order is that this House has no right to make reflections upon the other House.

The SPEAKER. The House has the right to adopt such resolutions as it may consider proper when it deems that its rights and privileges have been infringed upon. The Chair asks permission to make a statement in relation to what occurred in the joint convention, and has created so much feeling.

There was no objection.

The SPEAKER. The Chair desires to submit the history of the joint rules, the apparent conflict in which has produced the excitement in the joint convention of the two Houses.

By the Constitution of the United States the President of the Senate presides in joint convention when the electoral votes are counted. The Constitution proceeds no further; it simply provides that—

"The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be President."

And—

"the person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed."

On the 6th day of February, 1865, the two Houses of Congress adopted the twenty-second joint rule, in order, so far as possible, to prevent scenes like those which have occurred in the joint convention just adjourned. The second paragraph of that joint rule reads as follows:

"If upon the reading of such certificate by the tellers—

This is the certificate of the vote of any State—

"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."

If this rule stood alone it would follow necessarily that if any objection were made to the counting of any vote from any State of the Union, whether that vote was uncontested or contested, the two Houses must meet in their respective Chambers and without debate decide the question. A few days since, however, the same legislative power that enacted this joint rule saw fit to enact another in the form of a concurrent resolution covering part of the precise ground covered by the twenty-second joint rule. This was adopted in both branches upon the yeas and nays with direct reference to the joint meeting which has just been held. The Chair, though not a lawyer, supposes it to be one of the fundamental principles of legal interpretation that when there are two statutes

bearing upon any question, and it is impossible to reconcile them, the later statute must have the prevailing force. If they can be reconciled, they must both stand. The same bodies which enacted the twenty-second joint rule adopted, on votes by yeas and nays in both branches, a concurrent resolution, the preamble to which has been overlooked amid the feeling which has grown up in the joint convention. The twenty-second joint rule provides that "if upon the reading of any such certificate," that is the certificate from any State, "any question shall arise in regard to counting the votes therein certified," a certain procedure shall then follow. The concurrent resolution, however, adopted within the last few days lays down a different rule in regard to one State, and in the opinion of the Speaker of the House takes that State out of the operation of the twenty-second rule. The Chair thinks it was intended to be taken out, that intelligent gentlemen in voting for it intended to withdraw the State of Georgia from the operation of the twenty-second joint rule; otherwise, as the Chair will show, it would in the concluding part be an absurdity. The preamble to this concurrent resolution reads as follows:

"Whereas the question whether the State of Georgia has become and is entitled to representation in the two Houses of Congress is now pending and undetermined—

That apparently being a fact within the knowledge of members of both branches of Congress—

"and whereas by the joint resolution of Congress passed July 20, 1863, entitled 'A resolution excluding from the Electoral College votes of States lately in rebellion, which shall not have been reorganized,' it was provided that no electoral votes from any of the States lately in rebellion should be received or counted for President or Vice President of the United States until, among other things, such State should have become entitled to representation in Congress pursuant to the acts of Congress in that behalf: Therefore,

*Resolved by the Senate*, (the House of Representatives concurring,) That on the assembling of the two Houses on the second Wednesday of February, 1865, for the counting of the electoral votes for President and Vice President, as provided by law and the joint rules, if the counting or omitting to count the electoral votes, if any, which may be presented, as of the State of Georgia, shall not essentially change the result, in that case they shall be reported by the President of the Senate in the following manner:

This is the language which the resolution commands shall be uttered by the mouth of the President of the Senate:

Were the votes presented, as of the State of Georgia, to be counted, the result would be, for — for President of the United States, — votes; if not counted, for — for President of the United States, — votes; but in either case — is elected President of the United States; and in the same manner for Vice President.

This concurrent resolution, adopted by the same legal authority which adopted the joint rule, declares in its preamble that it is a fact apparent to Congress that it is a grave question whether the State of Georgia is entitled to representation; that that question is undetermined; and that therefore, when the two Houses shall assemble, "as provided by law and by the joint rules," then if the counting, or the omitting to count, the electoral votes of Georgia shall not affect the result, the result shall be announced by the President of the Senate in a form of language which he is imperatively required to adopt. The President of the Senate has complied with the law which the two Houses laid down for him. In the opinion of the Chair, he would have been subject to the censure of the two Houses if he had not complied with the law which these bodies laid down for the performance of his duties in joint convention. The Chair entertained the objection of the gentleman from Massachusetts [Mr. BUTLER] when the Senate retired, because the Senate retired upon the ruling of their own President. But the Chair thinks that in the subsequent proceedings of the joint convention the President of the Senate complied exactly with his oath and his duty under the joint rules and the concurrent resolution, the latter being the later, and, so far as it differs from the other, qualifying and repealing it.

Mr. BUTLER, of Massachusetts. Mr.

Speaker, I desire now to address the House for a few moments on my resolution.

The SPEAKER. The question is debatable.

Mr. SPALDING. I hope the gentleman from Massachusetts will yield for a motion to adjourn.

Mr. BUTLER, of Massachusetts. No, sir. There is no time like the present to settle a great question like this.

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

Mr. BUTLER, of Massachusetts. No, sir: I do not yield for that motion.

Mr. DRIGGS. I hope the resolution which the gentleman from Massachusetts has offered will be again read, so that we may see what is before the House.

The resolution was again read.

Mr. FARNSWORTH. I rise to a question of order. I desire to know whether it is not in the power of the House to decide whether that shall be entertained as a question of privilege or not.

The SPEAKER. It was, if the Chair had submitted it to the House; but it has already been decided to be a question of privilege.

Mr. ELDRIDGE. I appeal from that decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal on the well-known ground that when a point of order is once decided it cannot be again renewed. When a point of order is once decided it cannot be again renewed, although additional reasons may be assigned for it.

Mr. FARNSWORTH. I withdrew the point of order because the Chair wished to make a statement.

The SPEAKER. It is too late now; and the Chair, after making his own statements, would not like to see the gentleman from Massachusetts deprived of the privilege of replying to them.

Mr. BUTLER, of Massachusetts. I ask the privilege of the House, Mr. Speaker, that during the remarks which I propose to submit I shall not be interrupted, and for this reason: the point which is now before the House is as grave a one as ever came to be settled by any legislative body. Whatever our feelings may be, under what we deem to be a gross invasion of our privileges of natural and ordinary heat arising from such oppression, I trust that the few moments elapsing after the deed has been done are sufficient to allow us to bring our minds calmly, coolly, and dispassionately to see the exact merits of the question. Allow me to premise, sir, that I think this resolution stands outside of all the remarks of the Speaker of this House. Even if the Vice President were right in doing what he did, yet, for the manner in which he did it, we are without redress, and if he were wrong it was the greatest outrage upon the rights and privileges of this House.

Now, Mr. Speaker, let us see exactly where we stand. The Constitution of the United States says that the President of the Senate shall open in convention all of the votes of all of the States, and they shall be therein counted, and it is as impossible for this House or the Senate, either jointly or separately, in concurrence or otherwise, to stop the operation of that constitutional enactment as it is to turn back the sun in its course; for, as you will see, sir, we stand in this position; if the House and the Senate, by joint action before had, can determine what votes shall be counted and what votes shall not be counted, then the House and the Senate can determine who is and who is not to be the President of the United States, and who is and who is not to be the Vice President of the United States.

The SPEAKER. The gentleman will yield to receive a message from the Senate of the United States.

Mr. BUTLER, of Massachusetts. I do not know whether I should or not.

#### MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. McDONALD, its Chief Clerk, notifying the