

The House being called to order,¹ Mr. Randolph offered these resolutions:

Resolved, That the electoral votes of the State of Missouri have this day been counted, and do constitute a part of the majority of 231 votes given for President and of 218 votes given for Vice-President,

Resolved, That the whole number of electors appointed and of votes given for President and Vice-President has not been announced by the presiding officer of the Senate and House of Representatives, agreeably to the provision of the Constitution of the United States, and that therefore the proceeding has been irregular and illegal.

The resolutions went over to the succeeding day, when the House declined to consider them.

1938. Proceedings at the electoral count of 1825.

The electoral college having failed to choose a President of the United States in 1825, the House proceeded to elect in accordance with the Constitution.

On February 8, 1825,² the report of the joint committee appointed "to ascertain and report a mode of examining the votes for President and Vice-President of the United States, and of notifying the persons elected of their election," was made in the Senate in form of the following resolution:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday, the 9th day of February, 1825, at 12 o'clock; that one person be appointed teller on the part of the Senate, and two persons be appointed tellers on the part of the House to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce to the two Houses, assembled as aforesaid, the state of the vote and the person or persons elected, if it shall appear that a choice hath been made agreeably to the Constitution of the United States; which annunciation shall be deemed a sufficient declaration of the election of the person or persons elected, and, together with a list of the votes, shall be entered on the Journals of the two Houses.

It was stated in the course of the discussion that this was precisely the resolution agreed to on similar occasions from 1805 to 1817, inclusive. The committee on the part of the Senate would have preferred in some respects a different arrangement, but they were overruled by the committee on the part of the House.

Senator John H. Eaton, of Tennessee, proposed this amendment:

If any objection shall arise to the vote or votes of any State, it shall be filed in writing and entered on the Journals of the Senate and House of Representatives; but the two Houses shall not separate until the entire votes are counted and reported, which report shall be liable to be controlled and altered by the decision to be made by the two Houses, after their separation, relative to any objections that may be made and entered on the Journals; provided no objection taken shall be considered valid unless concurred in by the two Houses.

Senators Robert Y. Hayne, of South Carolina, and Martin Van Buren, of New York, opposed this proposition on the ground that the House had failed to act on the bill passed at the preceding session to arrange for all possible contingencies, and it was now too late to take action. So the amendment was disagreed to, and the resolution as reported was agreed to.

In the House³ the same day the resolution was also agreed to.

On February 9,⁴ after the message had been sent to inform the Senate of the readiness of the House to proceed with the count, the Senate appeared, and the

¹ Journal, pp. 235, 239; Annals, pp. 1166, 1167.

² Second session, Eighteenth Congress, Debates, p. 515.

³ Journal, p. 216, Debates, p. 516.

⁴ Journal, pp. 219-221; Debates, p. 526.

President of the Senate "was invited to a seat on the right hand of the Speaker of the House." The Senators were assigned seats together in front of the Speaker's chair. The tellers took seats at the Clerk's table.

The President of the Senate having opened the packets, and the certificates having been read, the results were declared and tabulated.

The tellers then left the Clerk's table and presented themselves in front of the Speaker, and one of their number delivered the report of the votes given, which was then handed to the President of the Senate, who again read it to the two Houses.

This announcement of the state of the vote showed that Andrew Jackson, of Tennessee, had received 99 votes; John Quincy Adams, of Massachusetts, 84; William H. Crawford, of Georgia, 41; and Henry Clay, of Kentucky, 37. The President of the Senate¹ then announced—

that, neither of the said persons having received a majority of the votes of the electors appointed by the several States to vote for President of the United States, it therefore devolved upon the House of Representatives of the United States to choose a President of the United States, whose term of service is to commence on the 4th day of March next, from the three highest on the list of those voted for by the electors for President of the United States; which three he declared to be Andrew Jackson, of Tennessee, John Quincy Adams, of Massachusetts, and William H. Crawford, of Georgia.

The vote for Vice-President was also announced, and John C. Calhoun, having "a majority of the whole number of the votes of the electors appointed in the several States," etc., was declared duly elected.

1939. Proceedings at the electoral count of 1829.—The electoral count of 1829 occurred in the usual way, the preliminaries² having been arranged by a joint committee. It does not appear how the tellers on the part of the House were appointed.³

On February 11⁴ the usual message was sent to the Senate informing them that the House was ready to receive them and to proceed with the count. The Senate presently appeared, the Vice-President at their head, preceded by the Secretary and Sergeant-at-Arms of the Senate. The Vice-President took his place at the right of the Speaker, the Senators being seated in the area before the desk. The tellers sat at the Clerk's desk.

The Vice-President presented first the returns from Maine. One package had come by mail and the other by express, and the packets had been certified by the delegation from Maine to contain the votes of that State for President and Vice-President.⁵

The votes having been tabulated the teller on the part of the Senate read the report, and thereupon the Vice-President announced the state of the vote and the persons elected: Andrew Jackson, of Tennessee, President, and John C. Calhoun, of South Carolina, Vice-President.

¹ John Gaillard, of South Carolina.

² Second session Twentieth Congress, Journal, pp. 237, 243, 258; Debates, pp. 309, 322.

³ Journal, p. 258.

⁴ Journal, pp. 272, 273.

⁵ Debates, p. 350.