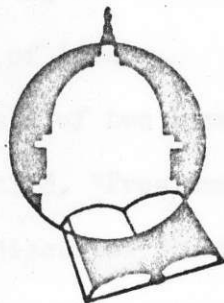


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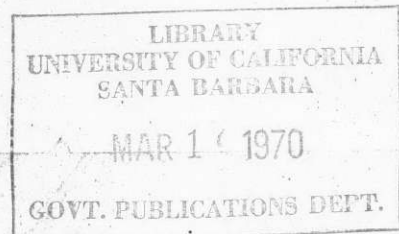
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ELECTION OF THE PRESIDENT BY THE HOUSE OF REPRESENTATIVES, 1968



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In accordance with the provisions of Article II, section 1, clause 3 of the Constitution as it was then in effect, each elector voted for two persons.^{6/} The candidate with the largest vote was to become President; the man with the next highest total was to have the vice presidency. The Electoral College vote of 1800 was cast as follows: Jefferson, 73, Burr, 73; Adams, 65; Pinckney, 64; Jay, 1.^{7/} Since Jefferson and Burr were tied, the election went to the House of Representatives as prescribed by the Constitution.^{8/} The House, anticipating just such a result, had already adopted a set of rules to guide its procedure.^{9/}

According to Stanwood, "an active intrigue had been in progress among the Federalists, dating back almost to the day when they learned of their defeat, which had for its purpose the prevention of the election of Mr. Jefferson."^{10/} The plan finally adopted was to cast the Federalist votes in the House for Burr.

^{6/} See Appendix I for the text of the clause.

^{7/} Historical statistics.... p. 683. For a detailed breakdown of the electoral vote, see Appendix II. Only 138 votes were cast because one Maryland elector did not attend.

^{8/} The declaration of the result was phrased as follows: "That the whole number of electors who had voted was one hundred and thirty-eight, of which number Thomas Jefferson and Aaron Burr had a majority; but, the number of those voting for them being equal, no choice was made by the people; and that, consequently, the remaining duties devolve upon the House of Representatives." Quoted in Stanwood, op. cit., p. 68.

^{9/} See other report for the text of the rules.

^{10/} Op. cit., p. 69.

The House of Representatives began its balloting on February 11, 1801. The votes were cast by State, each State having one vote as required by the Constitution. The votes of 9 States were necessary for a choice. Only two Members were absent, writes Stanwood, "and one of the two, too ill to attend, was in a committee-room adjoining the hall, where a bed had been prepared for him. From the first several Federalists voted for Jefferson, but the most of them supported Burr..."^{11/}

The House balloted 19 times on February 11th, 9 times on the 12th, once on the 13th, 4 times on the 14th, once on the 16th, and twice on the 17th -- 36 ballots in all. The results of the first 35 votes were identical: 8 States for Jefferson, 6 for Burr, 2 divided.^{12/} The States with a majority voting for Jefferson were: New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Kentucky, and Tennessee. Burr's support came from New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and South Carolina. The States whose Representatives voted equally for each man and were therefore not counted were Maryland and Vermont.

Jefferson was finally elected, on the 36th ballot, through the efforts of Alexander Hamilton and Representative James A. Bayard of Delaware. As a result of their negotiations, the Vermont Federalist was purposely absent and the Federalist members of the Delaware, Maryland, and South Carolina delegations voted blanks on the last ballot. The votes of Vermont and Maryland, thereby, went to Jefferson,

^{11/} Ibid., p. 71.

^{12/} See Appendix III for a detailed breakdown of the House vote.

raising his total to 10. The votes of Delaware and South Carolina were rendered blank. Burr was left with 4 New England States -- New Hampshire, Massachusetts, Rhode Island, and Connecticut ^{13/}

The Twelfth Amendment was adopted as a safeguard against a repetition of the 1800 election. Under that Amendment the electors were to cast one vote specifically for President and another specifically for Vice President. ^{14/} In the event of a tie or if no person received a majority, the House of Representatives was to choose from among the three persons with the highest votes.

In 1824 the number of States in the Union had risen to 24 ^{15/} with a total population of approximately 10,924,000. ^{16/} The Electoral College vote was to total 261, with 131 necessary for a choice. ^{17/} In 18 of the States the electors were chosen by the people, either by districts or by general ticket. Electors were appointed by the legislators in 6 States -- Vermont, New York, Delaware, South Carolina, Georgia, and Louisiana. ^{18/}

By 1824 the Federalist Party had completely disintegrated, but no new organization had yet taken its place. The presidential contest was among the favorites of factions within the Democratic-Republican Party.

^{13/} See Stanwood, *op. cit.*, p. 69-73. Also, Roseboom, Eugene H. A history of presidential elections. New York, Macmillan, 1957. p. 46; Dougherty, J. Hampden. The electoral system of the United States...New York, Putnam, 1906. p. 36-37.

^{14/} See Appendix IV for the text of the Amendment.

^{15/} In addition to the States given in footnote 1, Maine, Alabama, Mississippi, Louisiana, Missouri, Ohio, Indiana, and Illinois.

^{16/} Historical statistics.... p. 7.

^{17/} *Ibid.*, p. 685.

^{18/} *Ibid.*, p. 681.

The electoral votes were counted before a joint session of Congress on February 9, 1825. The result was: Andrew Jackson, 99; John Q. Adams, 84; William H. Crawford, 41; Henry Clay, 37.^{19/} John C. Calhoun received 182 votes for Vice President and was therefore duly elected. The President of the Senate announced this fact, and also declared that no person had received a majority of the votes cast for President, that Andrew Jackson, John Quincy Adams, and William H. Crawford were the three who had received the highest number of votes, and that the remaining duties in the choice of a President now devolved upon the House of Representatives.^{20/} In preparation for this event the House had earlier adopted a set of rules of procedure "that was in some respects different from that adopted in 1801, but the changes were not important."^{21/}

The Representatives immediately proceeded to the voting on February 9. John Quincy Adams was chosen on the first ballot. He received the votes of 13 States, exactly the minimum number required for election. Seven States voted for Jackson and 4 for Crawford. The Speaker thereupon declared Mr. Adams elected and notice of the result was sent to the Senate.^{22/}

^{19/} Ibid., p. 683. See Appendix V for detailed breakdown of the vote.

^{20/} Stanwood, op. cit., p. 139.

^{21/} Ibid., p. 136.

^{22/} Ibid., p. 140. See Appendix VI for detailed breakdown of the vote in the House.

Appendix I.

Article II, Section 1, Clause 3 of the Constitution as it was in 1800.

"The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of Government of the United States, directed to the President of the Senate. 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 shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member of Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President."

Source: U.S. Congress. Senate. Constitution of the United States of America.
Edward S. Corwin, ed. p. 383.

Appendix II.

Vote of the Electoral College, 1800.

States.	Thomas Jefferson, Va.	Aaron Burr, N.Y.	John Adams, Mass.	C. C. Pinckney, S.C.	John Jay, N.Y.
New Hampshire	-	-	6	6	-
Vermont	-	-	4	4	-
Massachusetts	-	-	16	16	-
Rhode Island.	-	-	4	3	1
Connecticut	-	-	9	9	-
New York.	12	12	-	-	-
New Jersey.	-	-	7	7	-
Pennsylvania.	8	8	7	7	-
Delaware.	-	-	3	3	-
Maryland.	5	5	5	5	-
Virginia.	21	21	-	-	-
North Carolina.	8	8	4	4	-
South Carolina.	8	8	-	-	-
Georgia	4	4	-	-	-
Kentucky.	4	4	-	-	-
Tennessee	3	3	-	-	-
Total.	73	73	65	64	1

* One Maryland elector did not attend.

Source: Stanwood, Edward. A History of the presidency from 1788 to 1897.
p. 63.

Appendix III.

House of Representatives Vote for President, First 35 Ballots,
February 11-17, 1801.

	Jefferson	Burr	State voted for --
New Hampshire	-	4	Burr
Vermont	1	1	Divided -- Blank
Massachusetts	3	11	Burr
Rhode Island	-	2	Burr
Connecticut	-	7	Burr
New York	6	4	Jefferson
New Jersey	3	2	Jefferson
Pennsylvania	9	4	Jefferson
Delaware	-	1	Burr
Maryland	4	4	Divided -- Blank
Virginia	16	3	Jefferson
North Carolina	9	1	Jefferson
South Carolina	-	5	Burr
Georgia	1	-	Jefferson
Kentucky	2	-	Jefferson
Tennessee	1	-	Jefferson
Total	55	49	

Source: Stanwood, Edward. A history of the presidency p. 72.

Appendix IV.

Amendment Twelve of the Constitution

"The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- 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 the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives

shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.]* 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, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose a Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

* Part in brackets superseded by the 20th Amendment.

Source: U.S. Congress. Senate. Constitution of the United States of America. Edward S. Corwin, ed. p. 941-942.

Appendix V.

Vote of the Electoral College, 1824.

States	President				Vice-President					
	Andrew Jackson, Tenn.	J. Q. Adams, Mass.	W. H. Crawford, Ga.	H. Clay, Ky.	John C. Calhoun, S.C.	Nathan Sanford, N.Y.	Nathaniel Macon, N.C.	Andrew Jackson, Tenn.	M. Van Buren, N.Y.	H. Clay, Ky.
Maine	-	9	-	-	9	-	-	-	-	-
New Hampshire	-	8	-	-	7	-	-	1	-	-
Vermont	-	7	-	-	7	-	-	-	-	-
Massachusetts	-	15	-	-	15	-	-	-	-	-
Rhode Island	-	4	-	-	3	-	-	-	-	-
Connecticut	-	8	-	-	-	-	-	8	-	-
New York	1	26	5	4	29	7	-	-	-	-
New Jersey	8	-	-	-	8	-	-	-	-	-
Pennsylvania	28	-	-	-	28	-	-	-	-	-
Delaware	-	1	2	-	1	-	-	-	-	2
Maryland	7	3	1	-	10	-	-	1	-	-
Virginia	-	-	24	-	-	-	24	-	-	-
North Carolina	15	-	-	-	15	-	-	-	-	-
South Carolina	11	-	-	-	11	-	-	-	-	-
Georgia	-	-	9	-	-	-	-	-	9	-
Alabama	5	-	-	-	5	-	-	-	-	-
Mississippi	3	-	-	-	3	-	-	-	-	-
Louisiana	3	2	-	-	5	-	-	-	-	-
Kentucky	-	-	-	14	7	7	-	-	-	-
Tennessee	11	-	-	-	11	-	-	-	-	-
Missouri	-	-	-	3	-	-	-	3	-	-
Ohio	-	-	-	16	-	16	-	-	-	-
Indiana	5	-	-	-	5	-	-	-	-	-
Illinois	2	1	-	-	3	-	-	-	-	-
Total	99	84	41	37	182	30	24	13	9	2

Source: Stanwood, Edward. A history of the presidency p. 140.

Appendix VI.

House of Representatives Vote for President, February 9, 1825.

States	Adams	Jackson	Crawford	Vote for --
Maine	7	-	-	Adams
New Hampshire	6	-	-	Adams
Vermont	5	-	-	Adams
Massachusetts	12	1	-	Adams
Rhode Island	2	-	-	Adams
Connecticut	6	-	-	Adams
New York	18	2	14	Adams
New Jersey	1	5	-	Jackson
Pennsylvania	1	25	-	Jackson
Delaware	-	-	1	Crawford
Maryland	5	3	1	Adams
Virginia	1	1	19	Crawford
North Carolina	1	2	10	Crawford
South Carolina	1	9	-	Jackson
Georgia	-	-	7	Crawford
Alabama	-	3	-	Jackson
Mississippi	-	1	-	Jackson
Louisiana	2	1	-	Adams
Kentucky	8	4	-	Adams
Tennessee	-	9	-	Jackson
Missouri	1	-	-	Adams
Ohio	10	2	2	Adams
Indiana	-	3	-	Jackson
Illinois	1	-	-	Adams
Total	67	71	54	

Source: Stanwood, Edward. A history of the presidency.... p. 141.

HINDS' PRECEDENTS
OF THE
HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
INCLUDING REFERENCES TO PROVISIONS
OF THE CONSTITUTION, THE LAWS, AND DECISIONS
OF THE UNITED STATES SENATE

By
ASHER C. HINDS, LL. D.
Clerk at the Speaker's Table

VOLUME III

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Chapter LXII.*

ELECTION AND INAUGURATION OF PRESIDENT.

1. Provision of the Constitution. Section 1981.
2. Election of Thomas Jefferson in 1801. Sections 1982, 1983.
3. Election of John Quincy Adams in 1825. Sections 1984, 1985.
4. Participation of House in Inaugurations. Sections 1986-1999.
5. Former practice as to notifying President of his election. Section 2000.

1981. When the House elects a President of the United States a quorum consists of a Member, or Members, from two-thirds of the States.

Provisions of the Constitution governing proceedings of the House in electing a President.

The Constitution of the United States, in article 12, provides for the election of a President by the House in case no person have a majority of the Electoral College. The Constitution says:

If no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote.¹ A quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

1982. Rules adopted in 1801 for the election of a President of the United States by the House of Representatives.—On February 2, 1801,² the House adopted this resolution:

Resolved, That a committee be appointed to prepare and report such rules as, in their opinion, are proper to be adopted by this House, to be observed in the choice of a President of the United States, whose term is to commence on the 4th day of March next, if, when the votes which have been given by the electors appointed under the authority of the States shall have been counted, as prescribed by the Constitution, it shall appear that no person for whom the electors shall have voted has a majority, or that more than one person, having such majority, have an equal number of votes.

* See Volume VI, Chapter CXCII.

¹ Previous to 1804 the Constitution had provision as follows on this subject:

"The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

² Second session Sixth Congress, Journal, pp. 782, 787, 789-792 (Gales & Seaton ed.); Annals, pp. 990, 1007-1011.

It was then ordered that the following constitute a committee pursuant to the resolution: John Rutledge, of South Carolina; John Nicholas, of Virginia; Roger Griswold, of Connecticut; Nathaniel Macon, of North Carolina; James A. Bayard, of Delaware; Benjamin Taliaferro, of Georgia; Abiel Foster, of New Hampshire; William C. C. Claiborne, of Tennessee; Harrison G. Otis, of Massachusetts; Thomas T. Davis, of Kentucky; Lewis R. Morris, of Vermont; Christopher G. Champlin, of Rhode Island; George Baer, of Maryland; William Cooper, of New York; James Linn, of New Jersey; and Henry Woods, of Pennsylvania.

This committee was thus composed of one Member from each State.

On February 6 the committee reported, and on February 9 the report was considered in Committee of the Whole and in the House. Two features of the report caused discussion and division. The rule that forbade adjournment until a choice should be made was sustained by 53 yeas to 47 nays, and the rule that the doors should be closed during the balloting was sustained by 54 yeas to 45 nays. The rules as agreed to were as follows:

1. 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.

2. Seats shall be provided in this House for the President and members of the Senate,¹ and notification of the same shall be made to the Senate.

3. The House, on their return from the Senate Chamber, it being ascertained that the constitutional number of States are 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.

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

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

6. 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

¹The Senate Journal indicates that the Senate as a body did not attend. Senate Journal, second session Sixth Congress, pp. 125-127 (Gales & Seaton ed.).

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.

7. 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.

8. 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.

1983. The election of a President of the United States by the House in 1801.

There being no choice in the electoral college in 1801, the House of Representatives proceeded to elect a President of the United States.

At the election of a President of the United States by the House in 1801 no adjournment was taken during the ballotings, which lasted, with postponements, for several days.

While the House was balloting for the election of a President of the United States, in 1801, the Speaker signed enrolled bills and messages were received but not acted on.

On February 11, 1801,¹ immediately after the electoral count² (which was held in the Senate chamber) had disclosed that there was no choice for President of the United States the two Houses separated, and the House of Representatives returned to their chamber, where they proceeded in the manner prescribed by the Constitution to choose a President of the United States. Members were appointed tellers of the respective States, to examine ballots of each State, pursuant to the sixth rule.

The Members of the respective States then proceeded to ballot in the manner prescribed by the rule,³ and the tellers having put duplicates of their votes into the general ballot boxes prepared for the purpose, the votes contained therein were taken out and counted, and the result being reported to the Speaker, he declared to the House that the votes of eight States had been given to Thomas Jefferson, of Virginia; the votes of six States to Aaron Burr, of New York, and that the votes of two States were divided.

The Constitution of the United States requiring that the votes of nine States should be necessary to constitute a choice, a motion was made and seconded that the ballot for President be repeated in one hour. The question being taken by States, it passed in the negative.

The balloting then continued,⁴ either continuously or at intervals, as directed

¹ Second session Sixth Congress, Journal, pp. 776-803; Annals, pp. 1022-1034.

² See sections 1929-1934 of this volume.

³ See section 1982 of this chapter.

⁴ During the ballotings sundry messages from the President of the United States, from the Senate, and communications from Departments were received, and reports from committees made; but it being contrary to the rules established for the House to take them into consideration at that time, they were received and acted on after the balloting was concluded. The Speaker also signed enrolled bills during the balloting. Journal, p. 800; Annals, p. 1029.

by order of the House, voting by States, until the morning of February 12th, when, after the twenty-eighth ballot, no change from the first ballot having taken place, it was

Ordered, That the ballot be repeated to-morrow at 11 o'clock and not before.

On February 13 one ballot was taken, and then it was

Ordered, That the ballot be repeated to-morrow at 12 o'clock and not before.

This postponement of the balloting took the place of motions to adjourn,¹ and thus the sessions were carried along until February 17th, when, on the thirty-sixth ballot, the tellers reported a result to the Speaker, who "declared to the House that the votes of ten States had been given for Thomas Jefferson, of Virginia; the votes of four States for Aaron Burr, of New York; and that the votes of two States had been given in blank; and that, consequently, Thomas Jefferson, of Virginia, had been, agreeably to the Constitution, elected President of the United States, for the term of four years, commencing on the 4th day of March next."²

It was then

Ordered, That Mr. Pinckney, Mr. Tazewell, and Mr. Bayard be appointed a committee to wait on the President of the United States and notify him that Thomas Jefferson is elected President of the United States for the term commencing on the 4th day of March next.

Ordered, That a message be sent to the Senate to inform them that Thomas Jefferson has been duly elected President of the United States for the term of four years, commencing on the 4th day of March next; and that the Clerk of this House do go with the said message.

The House then resolved itself into Committee of the Whole for the consideration of an appropriation bill.

1984. The rules adopted by the House to govern the voting for a President of the United States when the election was thrown into the House by the failure of the Electoral College to make a choice in 1825.

In the election of President by the House in 1825 there was a strong but not prevailing sentiment that the galleries should not be closed.

In the election of President by the House in 1825 the prevailing sentiment favored a ballot box for each State.

Instance of the early practice of considering subjects in Committee of the Whole, irrespective of appropriations of money.

On February 7, 1825,³ the House resolved itself into Committee of the Whole House on the state of the Union; and after some time spent therein, the Speaker resumed the chair, and Mr. John W. Taylor, of New York, reported that the committee had, according to order, again had the state of the Union generally under consideration, and particularly the report of the committee appointed to prepare and report rules to be observed by the House in the election of a President

¹ The postponement of the balloting seems to have been a device to avoid the inconveniences of the rule prohibiting an adjournment until the election of a President.

² The Journal shows that in accordance with the rule the roll was called by States and those present were entered on the Journal (p. 796).

³ Second session Eighteenth Congress, Journal, pp. 213, 215, 220, 222.

of the United States,¹ whose term of service was to commence on the 4th day of March, 1825, and had come to no decision thereon. It was then ordered that the committee be discharged from the further consideration of the report and rules. The House then adopted the following rules, which were substantially in the form agreed to in the committee:

1. In the event of its appearing, on opening all the certificates, and counting the votes given by the electors of the several States for President, that no person has a majority of the votes of the whole number of electors appointed, the same shall be entered on the Journals of this House.
2. The roll of the House shall then be called by States; and, on its appearing that a Member or Members from two-thirds of the States are present, the House shall immediately proceed, by ballot, to choose a President from the persons having the highest numbers, not exceeding three, on the list of those voted for as President; and, in case neither of those persons shall receive the votes of a majority of all the States on the first ballot, the House shall continue to ballot for a President, without interruption by other business, until a President be chosen.
3. The doors of the Hall shall be closed during the balloting, except against the Members of the Senate, stenographers, and the officers of the House.
4. From the commencement of the balloting until an election is made no proposition to adjourn shall be received, unless on the motion of one State, seconded by another State, and the question shall be decided by States. The same rule shall be observed in regard to any motion to change the usual hour for the meeting of the House.
5. In balloting the following mode shall be observed, to wit:

The Representatives of each State shall be arranged and seated together, beginning with the seats at the right hand of the Speaker's chair, with the Members from the State of Maine; thence, proceeding with the Members from the States, in the order the States are usually named for receiving petitions,² around the Hall of the House, until all are seated. A ballot box shall be provided for each State.

The Representatives of each State shall, in the first instance, ballot among themselves, in order to ascertain the vote of their State; and they may, if necessary, appoint tellers of their ballots. After the vote of each State is ascertained, duplicates thereof shall be made out; and in case any one of the persons from whom the choice is to be made shall receive a majority of the votes given, on any one balloting by the Representatives of a State, the name of that person shall be written on each of the duplicates; and in case the votes so given shall be divided so that neither of said persons shall have a majority of the whole number of votes given by such State, on any one balloting, then the word "divided" shall be written on each duplicate.

After the delegation from each State shall have ascertained the vote of their State, the Clerk shall name the States in the order they are usually named for receiving petitions; and as the name of each is called the Sergeant-at-Arms shall present to the delegation of each two ballot boxes, in each of which shall be deposited, by some Representative of the State, one of the duplicates made as aforesaid of the vote of said State, in the presence and subject to the examination of all the Members from said State then present; and where there is more than one Representative from a State, the duplicates shall not both be deposited by the same person.

When the votes of the States are thus all taken in, the Sergeant-at-Arms shall carry one of said ballot boxes to one table and the other to a separate and distinct table.

One person from each State represented in the balloting shall be appointed by the Representatives to tell off said ballots; but, in case the Representatives fail to appoint a teller, the Speaker shall appoint.

¹ Article XII of the Constitution provides that if no person have a majority of the Electoral College the House of Representatives, voting by States, shall choose by ballot from the three candidates having the highest number of votes.

² Petitions are no longer introduced in this way. This old order of calling the States began with Maine and proceeded through the original thirteen States and then through the remaining States in the order of their admission.

The said tellers shall divide themselves into two sets, as nearly equal in number as can be, and one of the said sets of tellers shall proceed to count the votes in one of said boxes, and the other set the votes in the other box.

When the votes are counted by the different 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 proceed, in the same manner as before, to a new ballot.

6. All questions arising after the balloting commences, requiring the decision of the House, which shall be decided by the House, voting per capita, to be incidental to the power of choosing a President, shall be decided by States without debate; and in case of an equal division of the votes of States, the question shall be lost.

7. When either of the persons from whom the choice is to be made shall have received a majority of all the States, the Speaker shall declare the same, and that that person is elected President of the United States.

8. The result shall be immediately communicated to the Senate by message, and a committee of three persons shall be appointed to inform the President of the United States and the President-elect of said election.

On February 9, 1825, the election of John Quincy Adams took place in accordance with these rules.¹

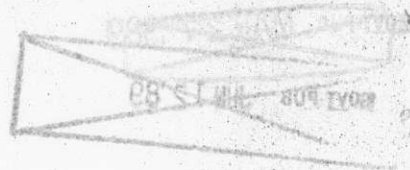
The record of debates² shows that in Committee of the Whole rules 1 and 2 were approved without objection. Over a paragraph reported in the third rule, that the galleries should be cleared on the demand of the delegation of any State, much debate arose, during which the precedent of the clearing of the galleries during the election of 1801 was referred to. Mr. Daniel Webster, of Massachusetts, thought it did not matter much anyway, but thought that the galleries should be cleared if any delegation wished. Mr. James Hamilton, of South Carolina, referred to the precedent of 1801 as the "celebrated, he could not say nefarious, contest between Mr. Jefferson and Mr. Burr." He believed that those who in that case closed the galleries to the people were the same who most strenuously supported the alien and sedition laws. Mr. Lewis McLane, of Delaware, argued strenuously that hereafter in time of great excitement the presence of the public in the gallery might be very prejudicial. That the Federal party had set the precedent was nothing against it, for the Federal party was the great constructive party. Disorder in the gallery of the New York legislature the year before was referred to. Mr. George McDuffie, of South Carolina, was for having the galleries open. To shut out the public might in future aid in corruption in the vote.

The next important debate arose over the section providing for the voting by ballot. Mr. Hamilton, of South Carolina, reenforced by Mr. McDuffie, from the same State, wanted an amendment whereby there should be a ballot box for each State, so the Journals might show how States voted. It was impossible to tell from the Journals of 1801 how the States voted. Such mystery should not prevail. Mr. Webster replied to this that some States had only one Member, and with the separate box for each State secrecy would be destroyed. Mr. Hamilton's amendment was also opposed, on the ground that it was not guarded on the subjects of blank ballots and plurality votes in the delegations.

Without debate on other amendments, the rules were adopted.

¹ Second session Eighteenth Congress, Journal, pp. 220-222.

² Debates, pp. 420, 422, 431, 445, 511, 514.



1985. The election of a President of the United States by the House in 1825.

The House having elected a President in 1825, ordered that the Senate be informed and appointed a committee to notify the President-elect.

The electoral count of 1825 having disclosed that there was no choice of a President of the United States, the two Houses then separated, and the Senate returned to their Chamber.

The House of Representatives¹ proceeded, in the manner prescribed by the Constitution, to the choice of a President of the United States, whose term of service was to commence on the 4th day of March, 1825, and the roll of the Members having been called by the Clerk, in pursuance of the second rule adopted by the House on the 7th instant, it appeared that every member was present except Robert S. Garnett, of Virginia (who was absent from indisposition).

The Members of the respective States having taken seats, as required in the fifth rule, adopted on the 7th instant, proceeded to ballot in the manner prescribed by the said rule, and the delegations of the respective States having placed duplicates of their votes in the two general ballot boxes, the said boxes were deposited on tables prepared for the purpose.

Whereupon the following men were appointed by the States, respectively, tellers to count the ballots, and report the result to the House, viz: [Here follow names of tellers.]

The tellers proceeded to examine and count the ballots, and having completed the same, and the votes in the two boxes agreeing, the tellers reported² that the votes of thirteen States had been given for John Quincy Adams, of Massachusetts; that the votes of seven States had been given for Andrew Jackson, of Tennessee; and that the votes of four States had been given for William H. Crawford, of Georgia; whereupon,

The Speaker again announced the state of the votes to the House, and declared—

That John Quincy Adams, of Massachusetts, having received a majority of the votes of all the States of this Union, was duly elected President of the United States for four years, to commence on the 4th of March, 1825.³

Ordered, That Mr. Webster, Mr. Vance, of Ohio, and Mr. Archer, of Virginia, be appointed a committee to wait on the President of the United States and inform him that John Quincy Adams, of Massachusetts, has been duly chosen by the House of Representatives of the United States, according to the Constitution, President of the United States, for four years, commencing on the 4th day of March, 1825; as also to wait upon Mr. Adams, and notify him of his election as President.

Ordered, That a message be sent to the Senate, notifying that body that this House has chosen John Quincy Adams, President of the United States, for the term of four years, commencing on the 4th day of March, 1825; and that the Clerk do go with the said message.

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