he supposes that the harbor to which he refers has as many advantages as the one named in the resolution. A more secure landing, or a better anchorage, is probably not to be found upon the Atlantic or the Pacific coast. As respects the depth of water, that is a matter to be decided by actual surveys, and by actual inspection. I only appeal to my friend to say whether he would defend a measure—important of itself, and important for the protection of Mobile—by saddling it with another proposition, not directly or necessarily connected with it. With regard to the propriety of erecting a fortification at Ship island, that is a subject which I do not intend to argue now. But I may ask, what city—what commerce—is there at that point to be protected by the fortification proposed by my friend? As regards the advantage of that locality, which has been referred to, from its proximity to the vast forests of pine on the main land, I may say, that such forests are probably too extensive in the vicinity of any part of that coast. What other species of timber can be procured there? Our oak forests are certainly superior to any other that can be found in that neighborhood. I would simply ask of the honorable senator from Mississippi that, if he thinks, however, that Ship island should be fortified, he will bring it forward as a distinct measure, and let it stand upon its own merits, and not attach it to another and disconnected proposition.

Mr. DAVIS. The senator from Alabama quite misunderstands me—if not wholly, certainly to a very great extent. I did not suppose that a fortification, looking into a navy yard, was necessary to the defence of Mobile. With reference to the protection of shipping at sea, I believe that Ship island is far the most important, standing as it does quite out from the coast, and that, even for the protection of Mobile, its position is not inferior to the other, while as respects the amount of commerce in that region to protect, the senator was never more mistaken. Why, sir, the whole commerce from Maine to Texas passes right by that locality. A great portion of the commerce of Mobile itself passes inside of the very island of which I have spoken, and a large portion of the commerce of the whole valley of the Mississippi passes out by the same passage. Certainly the honorable senator is very much mistaken in all which he has assumed. I am not aware that there is anything to show that the harbor of Mobile is deeper now than it was sixty or seventy years ago, nor do I admit that Ship island harbor is in any respect less safe and secure than Mobile harbor. It is entirely land-locked, and protected by a point that runs out into the sea.

In presenting, as an alternative, another point to be considered, I did not intend to present anything to bar the favorable consideration of the claims of the original proposition.

This is not a new proposition with me. I have maintained it for years past, and have urged it in the other House, when I was a member there. If the senator from Alabama wishes the propositions to be united by the conjunction "and" instead of the conjunction "or," I shall not object to that.

Mr. FOOTE. I move the amendment stated by my colleague, for the reasons adduced by him, in all of which I cordially concur. I have some personal knowledge of the facts which have been spoken of, and I am confident that the objects of both the honorable senators would be better met by putting the motion in the conjunctive, and inserting the conjunction "and," instead of "or."

Mr. KING. I am at a loss how to understand the honorable senator from Mississippi. I have not the slightest objection to the inquiry being made, whether a fortification shall be erected upon Ship island or upon any other point. What is the objection? I propose that they shall inquire into the propriety of erecting a fortification at a particular point. Gentlemen seem to think that if one is erected there, it will exclude them. I am perfectly satisfied that the inquiry should be extended to Ship island, if you please; but I protest, in advance, against any action which will exclude the erection of a fortification at Dauphin island. My honorable friend [Mr. CALHOUN] probably understands better than any other person here the importance of this point, having had the matter under his control when he was Secretary of War. The erection of these works was commenced, and subsequently abandoned upon the supposition that the depth of water in the entrance to the harbor was insufficient for the purpose. This opinion has since been discovered to be erroneous. The object now is, that the original design should be carried out by the erection of the proper fortifications. It may be the erection of fortifications of any description which will afford protection to the anchorage ground, and prevent hostile ships coming in through the channel—anything which will afford effectual protection to that anchorage, and at the same time to the city of Mobile, which has a large and growing commerce. I have not the slightest objection to the amendment, if they will alter it so as to inquire "also" into the expediency of erecting a fortification upon Ship island. They are not both, however, in the bay of Mobile.

The amendment having been modified so as simply to add to the resolution the words "and also Ship island, or either of them," it was adopted.

The question being then taken upon the resolution, as amended, it was adopted in the following form:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the erection of fortifications on Dauphin island, in the bay of Mobile, and also Ship island, or either of them.

ELECTION OF CHAPLAIN.

On motion by Mr. FOOTE, the Senate proceeded to the consideration of the following resolution, submitted by him several days since:

Resolved, That two chaplains, of different denominations, be elected to Congress during the present session, one by each house, who shall interchange weekly.

The question being taken upon the resolution, it was adopted.

Mr. BADGER. I desire to suggest to the honorable senator from Mississippi, and also to the Chair, whether this is not a resolution which requires to be sent to the other House.

Mr. FOOTE. Not at all, sir. Everything is right. This is the form in which it has always been presented.

The Senate, in accordance with the resolution, proceeded to the election.

On the 1st ballot, the whole number of votes cast was 58.

Necessary to a choice, 30.

Rev. Mr. Slicer received	25
Butler	19
Smith	6
Mitchell	2
Hatch	1
Dewey	1
Nevin	1
Cushman	1
Parkman	1
Kerr	1
	58

There being no election, the Senate proceeded to the second ballot, with the following result:

Whole number of votes cast, 58.

Necessary to a choice, 30.

Rev. Mr. Slicer received	26
Butler	24
Kerr	2
Dewey	2
Smith	2
Hatch	1
	58

There being no choice, the Senate proceeded to ballot a third time, with the following result:

Whole number of votes cast, 59.

Necessary to a choice, 30.

Rev. Mr. Butler received	28
Slicer	26
Kerr	3
Dewey	1
Smith	1
	59

There being still no choice, the Senate proceeded to the fourth ballot, when

The whole number of votes cast was 60.

Necessary to a choice, 31.

Rev. Mr. Butler received	29
Slicer	29
Nevin	1
Smith	1
	60

There being again no choice, the Senate proceeded to ballot the fifth time, with the following result:

Whole number of votes cast, 60.

Rev. Mr. Butler received	30
Slicer	30

The Senate being equally divided,

The VICE PRESIDENT read the following rule of the Senate.

"When the Senate is equally divided, the Secretary shall take the decision of the President."

Mr. MANGUM called upon the Secretary to take the vote of the Vice President, in accordance with the rule.

Mr. DOUGLAS inquired of the senator from North Carolina what had been the practice of the Senate in relation to the right of the President to throw a casting vote in cases of this kind.

Mr. MANGUM. In my experience, that right has never been exercised in a case similar to this. The President *pro tempore*, of course, votes the same as any other member of the Senate. It was held, sir, by your predecessor, that he had a right to vote in such cases; and upon one occasion he was about to exercise the right, when he was prevented by the entrance of a senator, who had not before voted, and whose vote decided the question pending.

The VICE PRESIDENT. The Chair will be governed in this matter by the opinion of the Senate.

A SENATOR. What is the provision of the constitution?

The VICE PRESIDENT read the article of the constitution providing that—

"The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided."

Mr. CALHOUN was under the impression that the Vice President has the right to vote in this case.

Mr. CLAY. I think there cannot be a doubt. I agree entirely with the senator from South Carolina. [Mr. CALHOUN.] It is the precise occasion for which the provision in the constitution is provided.

The VICE PRESIDENT. The Chair will of course vote, if he is thought by the Senate to have a right to do so; if it is his right, it is his duty.

Mr. KING. Heretofore, Mr. President, I believe that rule has been considered as applying to legislative acts alone. I suppose it is now to be decided by the Senate whether that clause of the constitution is to be construed so as to extend the right to elections as well as to legislation. I think that the provision has never before been thus applied. I know of no rule whatever that has ever been adopted in favor of such an interpretation of it. For myself, I am satisfied that the question should be settled any way that the Senate think proper. But this is the first case of the kind that I have ever known; and as my mind has not heretofore been turned to it, I had supposed that it was simply in legislative action that the Vice President was authorized by the constitution to give a casting vote.

Mr. BERRIEN. I cannot conceive how it is possible by any action of the Senate to limit the words of the constitution, which are themselves so general as to comprehend every vote which may be taken in the Senate. "The Vice President shall be the President of the Senate, but shall have no vote, except when the Senate are equally divided." Now it is proposed, by one construction which is offered, to limit that equal division to cases of legislation. But the constitution clearly intended that the Senate should perform other duties besides their mere legislation. Unquestionably, the constitution contemplated that they should perform other duties—for there are executive duties to be performed—and when the Senate are equally divided in the discharge of executive duties, the Vice President must give the casting vote.

Mr. KING, (interposing.) The Vice President has no power to vote on executive nominations, even were the Senate equally divided.

Mr. BERRIEN, (resuming.) But upon any resolution introduced in executive session, he would have a right to vote, if the Senate should be equally divided. Now, suppose that this question came up in this form: "*Resolved*, That A B shall be chaplain of the Senate of the United States for the ensuing session." If the Senate should be equally divided, most unquestionably the Vice President would exercise his right to give the casting vote. But it seems to me to be unwise to reason upon this subject, by attempts at apology, because the language of the constitution is too plain to be misunderstood. The 21st rule of the Senate simply reaffirms the provision of the constitution, and I will read it:

"When the Senate are equally divided, the Secretary shall take the decision of the President."

Mr CALHOUN. As far as the practice of the Senate is concerned, the senator behind me is certainly mistaken, in regard to the power of the Vice President to give a casting vote upon executive appointments. When I presided over this body, I deem it my duty to say, I voted on several occasions upon nominations, and one a celebrated case, the nomination of Mr. Van Buren, and on two or three other occasions.

Mr. KING said he was perfectly aware of the instances alluded to; but what he stated was strictly correct. [The rest of the sentence was inaudible to the reporters.]

There was no necessity for the vote of the honorable senator from South Carolina, because Mr. Van Buren was rejected by a vote of the majority of the Senate.

Mr. UNDERWOOD. I rise to remark, sir, that the constitution contemplates, in the organization of this body, the election of officers, a Secretary for the Senate, and a Sergeant-at-Arms, and the Senate cannot be said to be organized until these auxiliary officers are elected. Suppose an equal division, in reference to these: are we to stand still, and postpone our organization until some one of the senators shall give way?—or shall it be decided by the presiding officer? It seems to me that the contemplation of that case, if it be analogous—and I see no distinction at all—will settle the question.

Mr. FOOTE, (interposing.) If my friend will allow me, the case is not at all analogous. The Chair may be correct. I will not undertake to gainsay the opinion of the Chair, especially after the weight of authority by which he is sustained; but I trust I may be allowed to say, that these two cases are not analogous by any means, because, as the senator will perceive, the officers named by him are necessary for the organization of the House, whereas the Senate has been organized for some weeks without the election of a chaplain.

Mr. UNDERWOOD. True; but I am putting the case as though we had not been organized, and the division had arisen in our organization.

Mr. FOOTE. That is putting the case of the election of officers, whose election is necessary for the organization of the body, as analogous to the case of the election of an officer whose election is not necessary for our organization. Therefore, I say, the cases are not analogous. But I do not think that the analogy is necessary in deciding this case

Mr. UNDERWOOD. I think not. I put the case to show that, in that case, the Senate must remain unorganized until some member should give way. It has been suggested that, by the constitution of the United States, the Senate must always consist of an even number—two from each State—and the very provision that the Vice President shall decide in cases of a tie seems to indicate that the framers of the constitution thought, from that very arrangement, cases where the Senate would be equally divided might frequently occur.

The VICE PRESIDENT. The Chair feels no desire to vote in this particular case; nevertheless, if it is a duty imposed upon him that he shall vote, the Chair deems it a dereliction of duty to yield that right. As it seems to be the general opinion of the Senate that the Chair has that right, unless there should be some expression of opinion to the contrary, the Chair will now proceed to give his vote. The Chair waits for any such expression. [A pause.] The Chair then votes for Mr. Butler.

The Rev. C. M. BUTLER, having thus a majority of the votes cast, was declared duly elected.

SPECIAL ORDER.

Mr. SMITH wished to offer a resolution calling for certain information from the War Department.

Mr. BUTLER called for the special order.

Mr. UNDERWOOD requested him to give way for a motion.

Mr. BUTLER replied that there were four or five who would wish the same privilege.

Mr. SMITH requested him to give way, and allow his resolution to be laid over.

Mr. BUTLER persisted.

The Senate accordingly proceeded to the consideration of the following resolution, submitted by Mr. CASS:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of suspending diplomatic relations with Austria.

The VICE PRESIDENT stated the question to be upon the amendment, submitted by Mr. HALE, inserting the words "and Russia."

Mr. DOWNS stated that his object in moving the adjournment yesterday was not to address the Senate upon the subject.

On motion by Mr. RUSK,

The Senate proceeded to the consideration of executive business; and, after some time so spent, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

After the reading of the journal,

Mr. KAUFMAN asked whether there had not been a message from the President lying on the Speaker's table for a day or two, which had not yet been laid before the House.

The SPEAKER answering in the affirmative,

Mr. KAUFMAN asked the unanimous consent of the House to permit him to move that it be laid before the House, and printed.

The SPEAKER stated the request of the gentleman from Texas; when

A MEMBER objected, and it was not acceded to.

The SPEAKER announced the business before the House to be the execution of the order for the election of its officers, that of the Clerk being first in order

Mr. WILLIAMS here withdrew the name of Thomas J. Campbell from the list of candidates for the Clerkship.

The SPEAKER summoned the tellers for the occasion to seats at the Clerk's desk.

Mr. KAUFMAN remarked that he had understood that the reason why a gentleman had objected to his motion was, because he did not desire to have the message read at this time.

The SPEAKER replied that objections had been made on both sides of the chamber, it being usual to have all executive communications read.

Mr. HARRIS, of Illinois, rising to a privileged question, said that some ten days since, for their mutual benefit, he had "paired off" with an honorable gentleman (Mr. KERR) from Maryland, and that the time for which they had agreed to abstain from voting having expired this morning, he should vote to-day in the election.

The tellers—Messrs. HAMALSON, WHITE, JAMES THOMPSON, and CROWELL—having taken their seats at the desk, the House proceeded with the eleventh *viva voce* vote for a Clerk, with the following result:

Whole number of votes cast, 219.

Necessary to a choice, 110.

Mr. J. W. Forney received	106
Solomon Foot	104
B. B. French	1
M. St. Clair Clarke	3
C. W. Phileo	4
S. L. Gouverneur	1
	219

For Mr. J. W. FORNEY—Messrs. Albertson, Ashe, Averett, Bay, Bayly, Beale, Bissell, Bocock, Booth, Bowdon, Bowlin, Boyd, Albert G. Brown, Wm. J. Brown, Busi, Jos. Cable, George A. Caldwell, Carter, Cleveland, Howell Cobb, W. R. W. Cobb, Colcock, Daniel, Dimmick, Disney, Doty, Dunham, Edmundson, Ewing, Featherston, Fitch, Fuller, Gerry, Gilmore, Gorman, Green, Hackett, Hall, Hamilton, Hammond, Haralson, Harlan, Harmanson, Isham G. Harris, Sampson W. Harris, Thos. L. Harris, Hibbard, Hoagland, Holliday, Holmes, Hubbard, Inge, Andrew Johnson, Robert W. Johnson, Jones, Kaufman, La Sere, Leffler, Littlefield, Job Mann, Mason, McClernand, McDonald, McDowell, McLanahan, McLane, McMullen, McQueen, McWillie, Meade, Miller, Morris, Morse, Olds, Orr, Parker, Peaslee, Peck, Phelps, Potter, Powell, Richardson, Robbins, Robinson, Ross, Savage, Sawtelle, Seddon, F. P. Stanton, R. H. Stanton, Stetson, Strong, Sweetser, Thomas, Jacob Thompson, James Thompson, Wm. Thompson, Venable, Walden, Waldo, Wallace, Wellborn, Whittlesey, Wood, Woodward, and Young.

For Mr. S FOOT.—Messrs. Alexander, Allen, Anderson, Andrews, Ashmun, Baker, Bennett, Bokee, Bowie, Breck, Briggs, Brooks, Burrows, Chester Butler, Thomas S. Butler, Cabell, Calvin, Campbell, Casey, Chandler, Clark, Cling man, Cole, Conger, Corwin, Crowell, Dickey, Dixon, Duer, Duncan, Alexander Evans, Nathan Evans, Fowler, Freedley, Gentry, Giddings, Goodenow, Gott, Gould, Grinnell, Halloway, Hampton, Hay, Haymond, Hebard, Henry, Houston, Howe, Hunter, James L. Johnson, Kerr, Daniel P. King, George G. King, James G. King, John A. King, Horace Mann, Marshall, Matteson, McGaughey, McKissock, McLean, Meacham, Moore, Morehead, Morton, Nelson, Newell, Ogle, Otis, Outlaw, Owen, Phœnix, Pitman, Putnam, Reed, Reynolds, Risley, Rockwell, Root, Rose, Rumsey, Sackett, Schenck, Schermerhorn, Schoolcraft, Sheppard, Silvester, Spalding, Sprague, Stanly, Stephens, Stevens, Taylor, John B. Thompson, Thurman, Toombs, Tuck, Underhill, Vinton, Watkins, White, Williams, Wilson, and Winthrop.

For Mr. B. B. BINGHAM.—Mr. Bingham.

For Mr. M. ST CLAIR CLARKE.—Messrs. Deberry, J. P. Caldwell, and Levin.

For Mr C. W. PHILEO.—Messrs. Durkee, Julian, P. King, and Wilmot.

For Mr. S. L. GOUVERNEUR.—Mr. Hilliard.

After the result of this ballot had been declared,

Mr. RICHARDSON moved a call of the House, and on that motion he asked the yeas and nays; which having been ordered, the motion was not agreed to—yeas 67, nays 145

Mr. WILLIAMS, rising to a privileged question, announced that, having "paired off" with Mr. F. P. STANTON, who had been called by business to the Supreme Court room, he should not vote for the present.

The House then proceeded with the 12th *viva voce* vote for a Clerk, with the following result:

Whole number of votes cast, 220.

Necessary to a choice, 111.

Mr. J. W. Forney received	105
Solomon Foot	103
B. B. French	3
M. St. Clair Clarke	5
C. W. Phileo	4

Those changing their votes on this trial were as follows:

For Mr. FORNEY.—Mr Burt, (not voting on the previous trial.)

For Mr. FRENCH.—Messrs. Booth and Root.

For Mr. CLARKE.—Messrs. Hilliard and Holmes.

No choice having been effected,

The House proceeded with the 13th vote for a Clerk, with the following result:

Whole number of votes cast, 220.

Necessary to a choice, 111.

Mr. J. W. Forney received	104
Solomon Foot	103
B. B. French	4
M. St Clair Clarke	5
C. W. Phileo	4

On this trial Mr. HARLAN changed his vote, voting for Mr. French.

No choice having been effected, after the result of the trial had been declared,

Mr. CABELL, who remarked that he desired to put an end to the voting without effecting a result, moved that the House do now go into the election of a Sergeant-at-Arms.

The SPEAKER, after explanation, decided that motion to be out of order.

Mr. CABELL was understood to suggest that the order, in providing that the House should proceed to the election of a Clerk and other officers, did not make it obligatory that the Clerk should be the first chosen.

After conversation between the SPEAKER and Mr. CONRAD on the requirements of the order under which the House was proceeding,

Mr. CONRAD offered a resolution declaring all the officers of the last House to be retained, except the Sergeant-at-Arms, and that —— be elected to that office.

Mr. C. stated his object in leaving the —— to be, to permit the House to fill it by a vote.

The SPEAKER ruled the resolution out of order.

Mr. CONRAD, after explaining his views of the operation of the resolution, in a few remarks urged its adoption as a feasible mode of effecting the election of the officers; but

The SPEAKER declared all resolutions of that character to be out of order.

Mr. HILLIARD asked if it would be in order to move that Thomas J. Campbell be retained as the Clerk of the present House.

The SPEAKER decided that such a motion would not be in order.

Mr. SCHENCK sent to the Clerk's table (from whence it was read for the information of the House) a resolution declaring that —— be elected Clerk of this House.

Mr. S. said that the question would be on filling the blank. He proposed to permit gentlemen to move to fill the blank with any name upon which a direct vote might be taken, without being embarrassed with votes for candidates polling very few votes, by which an election was prevented. Mr. S. would offer the name of Mr. Solomon Foot.

The SPEAKER decided this resolution to be out of order; and from this decision

Mr. SCHENCK appealed.

The question on the appeal having been put, the House sustained the judgment of the Chair.

Mr. BAKER desired to know whether, under the order, it was necessary to go on day after day, *ad infinitum*, as the House was then proceeding. He was understood to request the Chair to state how an end might be put to the voting for a Clerk.

The SPEAKER was understood to reply, that a motion to postpone the further execution of the order, if agreed to, would effect the purpose.

Mr. BAKER then moved that the further execution of the order be indefinitely postponed; and the yeas and nays having been asked and ordered on this motion,

Mr. STEVENS moved that the further execution of the order be postponed until Monday next.

The SPEAKER ruled that the last motion, as it designated a certain day, had precedence over that of the gentleman from Illinois, [Mr. BAKER.]

Mr. RICHARDSON moved that it be laid on the table.

The SPEAKER decided that motion not to be in order; and

The question being put upon the motion of the gentleman from Pennsylvania, [Mr. STEVENS,] it was not agreed to.

The SPEAKER announced that the question then recurred on the motion of the gentleman from Illinois, [Mr. BAKER;] on which the yeas and nays were asked and ordered.

[Here followed conversation between the SPEAKER and Mr. STANLY, which was not audible at the reporter's desk.]

The question was then put, by yeas and nays, upon the motion of the gentleman from Illinois, for the indefinite postponement of the further execution of the order for the election of the officers of the House; and it was not agreed to—yeas 64, nays 149.

Mr. DICKEY made a report from the Committee on Enrolled Bills.

Mr. STEVENS desired to give notice that on to-morrow he would move to rescind the order for the election of the officers of the House; but

Many MEMBERS objecting,

Mr. KING of Massachusetts asked leave to report from the Committee on Accounts a resolution directing the Clerk to provide each member with a copy of "Joel B. Sutherland's Manual," and to pay the said Sutherland out of the contingent fund of the House the sum of one dollar for each copy so furnished; but

MEMBERS objecting, the resolution was not reported to the House.

A MEMBER moved that the House do now adjourn; which motion was not agreed to.

A message was here received from the Senate, announcing that that body had elected the Rev. CLEMENT M. BUTLER to be its chaplain, and that it had appointed its portion of the joint Committees on Enrolled Bills and on the Library.

The House then proceeded with the fourteenth *viva voce* vote for a Clerk, with the following result:

Whole number of votes cast, 217.

Necessary to a choice, 109.

Mr. J. W. Forney received	103
S. Foot	98
M. St. Clair Clarke	7
B. B. French	4
C. W. Phileo	4
P. B. Prindle	1

For Mr. J. W. FORNEY.—Messrs. Albertson, Ashe, Averett, Bay, Bayly, Beale, Bissell, Bocock, Bowdon, Bowlin, Boyd, A. G. Brown, W. J. Brown, Busi, Bort, Cable, G. A. Caldwell, Carter, Cleveland, H. Cobb, W. R. W. Cobb, Colcock, Daniel, Dimmick, Disney, Doty, Dunham, Edmundson, Ewing, Featherston, Fitch, Fuller, Gerry, Gilmore, Gorman, Green, Hackett, Hall, Hamilton, Hammond, Harlan, Harmanson, I. G. Harris, T. L. Harris, S. W. Harris, Hibbard, Hoagland, Holliday, Howard, Hubbard, Inge, Andrew Johnson, Robert W. Johnson, Jones, Kaufman, La Sère, Leffler, Littlefield, Job Mann, Mason, McClernand, McDonald, McDowell, McLanahan, McLane, McMullen, McQueen, McWillie, Meade, Miller, Morris, Morse, Olds, Orr, Parker, Peaslee, Peck, Phelps, Potter, Powell, Richardson, Robbins, Robinson, Ross, Savage, Sawtelle, Seddon, R. H. Stanton, Stetson, Strong, Sweetser, Thomas, Jacob Thompson, James Thompson, William Thompson, Venable, Walden, Waldo, Wallace, Wellborn, Whittlesey, Wood, Woodward, and Young.

For Mr. S. FOOT.—Messrs. Alexander, Allen, Anderson, Andrews, Ashmun, Baker, Bennett, Bokee, Bowie, Breck, Briggs, Brooks, Burrows, Chester Butler, Thomas S. Butler, Cabell, Calvin, Campbell, Casey, Chandler, Clark, Cling man, Cole, Conger, Corwin, Crowell, Dickey, Dixon, Duer, Duncan, Alexander Evans, Nathan Evans, Fowler, Freedley, Gentry, Giddings, Goodenow, Gott, Gould, Grinnell, Halloway, Hampton, Hay, Haymond, Hebard, Henry, Houston, Howe, Hunter, James L. Johnson, Kerr, Daniel P. King, George G. King, James G. King, John A. King, Horace Mann, Marshall, Matteson, McGaughey, McKissock, McLean, Meacham, Moore, Morehead, Morton, Nelson, Newell, Ogle, Otis, Outlaw, Owen, Phœnix, Pitman, Putnam, Reed, Reynolds, Risley, Rockwell, Root, Rose, Rumsey, Sackett, Schenck, Schermerhorn, Schoolcraft, Sheppard, Silvester, Spalding, Sprague, Stanly, Stephens, Stevens, Taylor, John B. Thompson, Thurman, Toombs, Tuck, Underhill, Vinton, Watkins, White, Williams, Wilson, and Winthrop.

For Mr. B. B. BINGHAM.—Mr. Bingham.

For Mr. M. ST CLAIR CLARKE.—Messrs. Deberry, J. P. Caldwell, and Levin.

For Mr C. W. PHILEO.—Messrs. Durkee, Julian, P. King, and Wilmot.

For Mr. S. L. GOUVERNEUR.—Mr. Hilliard.

After the result of this ballot had been declared,

Mr. RICHARDSON moved a call of the House, and on that motion he asked the yeas and nays; which having been ordered, the motion was not agreed to—yeas 67, nays 145

Mr. WILLIAMS, rising to a privileged question, announced that, having "paired off" with Mr. F. P. STANTON, who had been called by business to the Supreme Court room, he should not vote for the present.

The House then proceeded with the 12th *viva voce* vote for a Clerk, with the following result:

Whole number of votes cast, 220.

Necessary to a choice, 111.

Mr. J. W. Forney received	105
Solomon Foot	103
B. B. French	3
M. St. Clair Clarke	5
C. W. Phileo	4

Those changing their votes on this trial were as follows:

For Mr. FORNEY.—Mr Burt, (not voting on the previous trial.)

For Mr. FRENCH.—Messrs. Booth and Root.

For Mr. CLARKE.—Messrs. Hilliard and Holmes.

No choice having been effected,

The House proceeded with the 13th vote for a Clerk, with the following result:

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On this trial Mr. HARLAN changed his vote, voting for Mr. French.

No choice having been effected, after the result of the trial had been declared,

Mr. CABELL, who remarked that he desired to put an end to the voting without effecting a result, moved that the House do now go into the election of a Sergeant-at-Arms.

The SPEAKER, after explanation, decided that motion to be out of order.

Mr. CABELL was understood to suggest that the order, in providing that the House should proceed to the election of a Clerk and other officers, did not make it obligatory that the Clerk should be the first chosen.

After conversation between the SPEAKER and Mr. CONRAD on the requirements of the order under which the House was proceeding,

Mr. CONRAD offered a resolution declaring all the officers of the last House to be retained, except the Sergeant-at-Arms, and that —— be elected to that office.

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The SPEAKER declared all resolutions of that character to be out of order.

Mr. HILLIARD asked if it would be in order to move that Thomas J. Campbell be retained as the Clerk of the present House.

The SPEAKER decided that such a motion would not be in order.

Mr. SCHENCK sent to the Clerk's table (from whence it was read for the information of the House) a resolution declaring that —— be elected Clerk of this House.

Mr. S. said that the question would be on filling the blank. He proposed to permit gentlemen to move to fill the blank with any name upon which a direct vote might be taken, without being embarrassed with votes for candidates polling very few votes, by which an election was prevented. Mr. S. would offer the name of Mr. Solomon Foot.

The SPEAKER decided this resolution to be out of order; and from this decision

Mr. SCHENCK appealed.

The question on the appeal having been put, the House sustained the judgment of the Chair.

Mr. BAKER desired to know whether, under the order, it was necessary to go on day after day, *ad infinitum*, as the House was then proceeding. He was understood to request the Chair to state how an end might be put to the voting for a Clerk.

The SPEAKER was understood to reply, that a motion to postpone the further execution of the order, if agreed to, would effect the purpose.

Mr. BAKER then moved that the further execution of the order be indefinitely postponed; and the yeas and nays having been asked and ordered on this motion,

Mr. STEVENS moved that the further execution of the order be postponed until Monday next.

The SPEAKER ruled that the last motion, as it designated a certain day, had precedence over that of the gentleman from Illinois, [Mr. BAKER.]

Mr. RICHARDSON moved that it be laid on the table.

The SPEAKER decided that motion not to be in order; and

The question being put upon the motion of the gentleman from Pennsylvania, [Mr. STEVENS,] it was not agreed to.

The SPEAKER announced that the question then recurred on the motion of the gentleman from Illinois, [Mr. BAKER;] on which the yeas and nays were asked and ordered.

[Here followed conversation between the SPEAKER and Mr. STANLY, which was not audible at the reporter's desk.]

The question was then put, by yeas and nays, upon the motion of the gentleman from Illinois, for the indefinite postponement of the further execution of the order for the election of the officers of the House; and it was not agreed to—yeas 64, nays 149.

Mr. DICKEY made a report from the Committee on Enrolled Bills.

Mr. STEVENS desired to give notice that on to-morrow he would move to rescind the order for the election of the officers of the House; but

Many MEMBERS objecting,

Mr. KING of Massachusetts asked leave to report from the Committee on Accounts a resolution directing the Clerk to provide each member with a copy of "Joel B. Sutherland's Manual," and to pay the said Sutherland out of the contingent fund of the House the sum of one dollar for each copy so furnished; but

MEMBERS objecting, the resolution was not reported to the House.

A MEMBER moved that the House do now adjourn; which motion was not agreed to.

A message was here received from the Senate, announcing that that body had elected the Rev. CLEMENT M. BUTLER to be its chaplain, and that it had appointed its portion of the joint Committees on Enrolled Bills and on the Library.

The House then proceeded with the fourteenth *viva voce* vote for a Clerk, with the following result:

Whole number of votes cast, 217.

Necessary to a choice, 109.

Mr. J. W. Forney received	103
S. Foot	98
M. St. Clair Clarke	7
B. B. French	4
C. W. Phileo	4
P. B. Prindle	1

For Mr. J. W. FORNEY.—Messrs. Albertson, Ashe, Averett, Bay, Bayly, Beale, Bissell, Bocock, Bowdon, Bowlin, Boyd, A. G. Brown, W. J. Brown, Busi, Bort, Cable, G. A. Caldwell, Carter, Cleveland, H. Cobb, W. R. W. Cobb, Colcock, Daniel, Dimmick, Disney, Doty, Dunham, Edmundson, Ewing, Featherston, Fitch, Fuller, Gerry, Gilmore, Gorman, Green, Hackett, Hall, Hamilton, Hammond, Harlan, Harmanson, I. G. Harris, T. L. Harris, S. W. Harris, Hibbard, Hoagland, Holliday, Howard, Hubbard, Inge, Andrew Johnson, Robert W. Johnson, Jones, Kaufman, La Sère, Leffler, Littlefield, Job Mann, Mason, McClernand, McDonald, McDowell, McLanahan, McLane, McMullen, McQueen, McWillie, Meade, Miller, Morris, Morse, Olds, Orr, Parker, Peaslee, Peck, Phelps, Potter, Powell, Richardson, Robbins, Robinson, Ross, Savage, Sawtelle, Seddon, R. H. Stanton, Stetson, Strong, Sweetser, Thomas, Jacob Thompson, James Thompson, William Thompson, Venable, Walden, Waldo, Wallace, Wellborn, Whittlesey, Wood, Woodward, and Young.

For Mr. S. FOOT.—Messrs. Alexander, Allen, Anderson, Andrews, Ashmun, Baker, Bennett, Bokee, Bowie, Breck, Briggs, Brooks, Burrows, Chester Butler, T. B Butler, Calvin, Campbell, Casey, Chandler, Clark, Cole, Conger, Conrad, Corwin, Crowell, Dickey, Dixon, Duer, Duncan, Alexander Evans, Nathan Evans, Fowler, Freedley, Gentry, Goodenow, Gott, Gould, Grinnell, Halloway, Hampton, Hay, Haymond, Hebard, Henry, Houston, Howe, Hunter, James L. Johnson, Kerr, D. P. King, G G King, James G King, John A. King, H. Mann, Marshall, Matteson, Morton, McGaughey, McKissock, McLean, Meacham, Moore, Morehead, Nelson, Newell, Ogle, Outlaw, Owen, Otis, Phœnix, Pittman, Putnam, Reed, Reynolds, Risley, Rockwell, Rose, Ramsey, Sackett, Schenck, Schermerhorn, Schoolcraft, Sheppard, Silvester, Spalding, Sprague, Stanly, Stevens, Taylor, John B. Thompson, Thurman, Tuck, Underhill, Vinton, Watkins, White, Wilson, and Winthrop.

For Mr. B. B FRENCH.—Messrs. Bingham, Booth, Harlan, and Root

For Mr. M. ST. CLAIR CLARKE.—Messrs. Cabell, J P. Caldwell, Deberry, Hilliard, Holmes, Stephens, and Toombs.

For Mr. C. W. PHILEO.—Messrs. Durkee, Julian, P. King, and Wilmot.

For Mr. P. B PRINDLE.—Mr. Giddings.

No choice having been effected, after the result of this ballot was declared,

On motion, the House adjourned.

The following are the preamble and resolution offered on the 7th instant by Mr. MCMULLEN, to which the House refused to agree, when modified into a single resolution to adjourn over until Wednesday:

Whereas a due regard for the anniversaries of those days distinguished by memorable events in the history of the country (for the manifestation of true virtue and patriotism) tends to cultivate and revive the same spirit, and to diffuse a soothing influence upon all classes, and is eminently calculated to keep in lively remembrance the true glory of the country: therefore,

Resolved, That when this House shall adjourn to-day, it will adjourn to meet on Wednesday next, at 12 o'clock, thereby observing the 8th of January, in commemoration of the proud events of the 8th of January, 1815.

Petitions, etc.

The following petitions and memorials were presented under the rule, and referred to the appropriate committees:

By Mr. EVANS, of Maryland: The petition of George J. Warfield, praying indemnity for French spoliations committed prior to 1800. Also, the petition of Mary Lee and others, upon the same subject. Also, the memorial of Elizabeth King, of Baltimore, widow of Captain Thomas King, praying the like indemnity.

By Mr. HOLLIDAY: The petition of William Dunlop's heirs and representative, praying indemnity for losses occasioned by French spoliations. Also, the petition of Philip Cavis, representative, for indemnity for losses occasioned by French spoliations. Also, the memorial of P. H. Aylett, in behalf of the heirs of the widow of Col. Wm. Aylett, deceased, of King William county, Virginia, for seven years' half pay, under the act of Congress of August, 1780. Also, the memorial of Timothy Bridwell and other citizens of King George county, Virginia, against the appointment of a chaplain, or any other legislation touching the subject of religion. Also, the memorial of Edward Jones and other citizens of Virginia, against the appointment of a chaplain, or any other legislation touching the subject of religion. Also, the memorial of Edward Eily and other citizens of Virginia, against the appointment of a chaplain, or any other legislation touching the subject of religion.

By Mr. CHANDLER: The petition of Thomas Dennis, asking for a pension, in consequence of the loss of both arms, while on duty on board the United States steamer Princeton. Also, the memorial of Charles Massey, jr, of Philadelphia, for the repayment of an excess of duty, erroneously exacted upon brown sugar from Canton Also, the memorial of David S. Brown and other merchants of Philadelphia, asking for the construction of a harbor at Reedy island, in the Delaware. Also, the petition of Elizabeth McDougall, of Philadelphia, daughter of Samuel Casstin, asking for a pension, on account of the services of her father in the revolutionary war. Also, the petition of J. W. Moore and others, of Philadelphia, asking for the abolition of the spirit rations in national ships Also, the petition of Godfrey Hager and other citizens of Philadelphia, praying compensation to sufferers by French spoliations prior to 1800. Also, the petition of Thomas Flanagan, asking for a pension, in consequence of sufferings and services in the army.

By Mr. GOODENOW: The petition of Amos Nourse and 100 others, merchants, underwriters, and ship-owners of Bath, Maine, and vicinity, against the adoption of a new prime meridian.

By Mr. ASHE: The memorial of E D Vail and 16 others, in favor of a bankrupt law. Also, the memorial of Henry Savage and others, in favor of the passage of the law indemnifying sufferers by French spoliations. Also, the memor