

Chapter LXII.

ELECTION AND INAUGURATION OF PRESIDENT.

1. Provision of the Constitution. Section 1981.
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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.

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.); Annal, 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

¹The 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.

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

³Second 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.

1986. Review of procedure at the several inaugurations of the Presidents, with record of the participation of the House therein.—The first inauguration of a President of the United States occurred on April 30, 1789.⁴ Both

¹ Second session Eighteenth Congress, Journal, pp. 221, 222; Debates, pp. 526, 527.

² The tellers at one table chose Mr. Daniel Webster, of Massachusetts, and those at the other Mr. John Randolph, of Virginia, to make the announcement.

³ For rules governing this election see section 1984 of this work.

⁴ First session First Congress, Annals, p. 17.

Houses were in session, the condition in this respect differing from that usually existing at a regular inauguration, when the House of Representatives of one Congress has ceased to exist and the House of Representatives of the next Congress has usually not organized.

On April 9 the Senate had appointed a committee of three to confer with any committee of the House of Representatives in order to make arrangements for receiving the President.

On April 13¹ the House appointed a committee of three to consult with the committee of the Senate.

On April 30,² in accordance with the course agreed on by the committees of the two Houses, the House of Representatives were notified that the Senate were ready to receive them in the Senate Chamber, to attend the President of the United States while taking the oath required by the Constitution. Thereupon the House of Representatives, preceded by their Speaker, came into the Senate Chamber, and took the seats assigned them, and the joint committee, agreeably to order, introduced the President of the United States in the Senate Chamber, where he was received by the Vice-President, who conducted him to the chair. The Vice-President then informed him that—

The Senate and House of Representatives of the United States were ready to attend him to take the oath required by the Constitution, and that it would be administered by the Chancellor of the State of New York.

The President having replied that he was ready, he was attended to the gallery in front of the Senate Chamber, where the oath was administered, after which the Chancellor proclaimed:

Long live George Washington, President of the United States.

The President then returned to the Hall and addressed the Senators and Members.

1987. On March 2, 1793,³ the President of the Senate notified the Senate that the President of the United States proposed to take the oath of office on March 4 next, at 12 o'clock m., in the Senate Chamber.

On March 4⁴ the Senate having assembled in special session in obedience to proclamation of the President of the United States, the President-elect attended and took his seat in the chair usually assigned the President of the Senate, the latter taking a seat to the right and a little in advance. A seat on the left was provided for Judge Cushing, who administered the oath. The doors being opened, the heads of Departments, foreign ministers, the late Speaker, such Members of the House as were in town, and other spectators attended.

Then the President-elect delivered his address and took the oath.

1988. On March 4, 1797,⁵ the Senate repaired to the Hall of the House of Representatives “to attend the administration of the oath of office to John Adams, President of the United States.” It does not appear from the Journals of the

¹ Annals, p. 121.

² Annals, pp. 26, 27.

³ Second session Second Congress, Annals, p. 662.

⁴ Annals, p. 666.

⁵ Second session Fourth Congress, Annals, p. 1582.

House or Senate that the President-elect communicated formally his desire as to the place for the taking of the oath. After the Senate were seated in the Hall of the House, the President-elect (attended by the heads of Departments, the marshal of the District and his officers) came into the Chamber and took his seat in the chair usually occupied by the Speaker. The Vice-President and Secretary of the Senate, the late Speaker of the House and the Clerk, and the Supreme Court were seated in front of the President-elect near the table of the Clerk. "The late President, the great and good Washington," says the Annals, "took a seat as a private citizen, a little in front of the seats assigned for the Senate." The foreign ministers and Members of the House took seats in the body of the Hall.

Having delivered his address and taken the oath, the President retired. Then the Senate returned to their Chamber, and the ceremonies were ended.

1989. On March 2, 1801,¹ a letter was presented in the Senate from the President-elect, announcing that he proposed to take the oath of office as President on the 4th instant, at 12 o'clock, in the Senate Chamber.

The Senate referred this letter to a committee, and later, on the same day, this order was agreed to:

The President-elect of the United States having informed the Senate that he proposes to take the oath which the Constitution prescribes to the President of the United States before he enters on the execution of his office on Wednesday, the 4th instant, at 12 o'clock, in the Senate Chamber,

Ordered, That the Secretary communicate that information to the House of Representatives; that seats be provided for such Members of the House of Representatives and such of the public officials as may think proper to attend; and that the gallery be opened to the citizens of the United States.

The ceremonies took place in the usual form in accordance with this order.

1990. On March 1, 1805,² the Speaker laid before the House a letter addressed to him, signed "Th. Jefferson," notifying that "he shall take the oath which the Constitution prescribes to the President of the United States before he enters on the execution of his office, on Monday, the 4th instant, at 12 o'clock, in the Senate Chamber."

The letter was read and ordered to lie on the table.

In 1805³ the President-elect took the oath and delivered his inaugural in the Senate Chamber also, having by letter so announced his choice.

1991. On March 3, 1809,⁴ a letter was laid before the Senate from the President-elect, stating that he proposed to take the oath of office in the Hall of the House of Representatives at 12 m. on March 4. The Senate appointed a committee of three to make arrangements, and on March 4 the Senate attended in the Hall of the House, and the President-elect took the oath and delivered his address.

Also on March 4, 1813,⁵ the President-elect took the oath and delivered his address in the Hall of the House.

¹ Second session Sixth Congress, Annals, pp. 756, 758, 763.

² Second session Eighth Congress, Journal, p. 158.

³ Second session Eighth Congress, Annals, p. 78.

⁴ Second session Tenth Congress, Annals, pp. 455, 461, 463.

⁵ Second session Twelfth Congress, Annals, p. 122.

1992. On March 1, 1817,¹ in the Senate, it was—

Resolved, That a committee be appointed to make such arrangements as may be necessary for the reception of the President of the United States on the occasion of his inauguration.

On the same day the committee, having been appointed, reported this resolution, which was agreed to:

Resolved, That the Secretary of the Senate inform the House of Representatives that the President-elect of the United States will, on Tuesday next, at 12 o'clock, take the oath of office required by the Constitution in the Chamber of the House of Representatives; and that he also inform the President-elect that the Senate will be in session at that time.

Nevertheless, on March 4,² the President came to the Senate Chamber and thence proceeded, not to the Hall of the House, but to the portico of the Capitol, where he took the oath and delivered his address. The report of the inauguration does not mention the House in the procession accompanying the President-elect to the portico.

Long after, in a debate which arose in the Senate on February 28, 1837,³ Mr. Henry Clay, of Kentucky, recalled that he was presiding officer of the House at the time when preparations were made for the first inauguration of President Monroe, in 1817. The committee of the Senate applied to him as Speaker for the use of the Hall of the House for the inauguration, and he told them that he would have the Hall put in readiness for the occasion, but that he did not care to surrender control of it. The Senators also wished to bring into the Hall the fine red morocco chairs of the Senate Chamber, but Mr. Clay declined to permit this on the ground that the plain democratic chairs of the House were more becoming. The committee of the Senate retired somewhat offended,⁴ and as a result the oath was administered to the President-elect on the portico.

The inaugurations of 1821⁵ and 1825⁶ occurred in the Hall of the House of Representatives, as they had at times previous to 1817.

On March 4, 1829,⁷ the Vice-President laid before the Senate a letter from the President-elect, informing the Senate that he would take the oath prescribed by the Constitution on March 4, at 12 o'clock, "at such place as the Senate may think proper to designate." The Senate appointed a committee of three to make arrangements; and on March 4 the President-elect and the judges of the Supreme Court having entered the Senate Chamber, the Senate adjourned and the President-elect, attended by the Vice-President, the Supreme Court, the Senators, and the marshals of the day, proceeded to the eastern portico of the Capitol. Having delivered his address the President-elect took the oath.

The inaugurations for many years following 1829 followed that precedent, the President-elect going to the Senate Chamber, and the procession proceeding thence to the eastern portico.

¹ Second session Fourteenth Congress, Senate Journal, pp. 353, 360, 361.

² Annals, p. 219.

³ Second session Twenty-fourth Congress, Annals, p. 991; Globe, p. 212.

⁴ Mr. Clay said they "retired somewhat huffed." Second session Twenty-fourth Congress, Globe, p. 212

⁵ Second session Sixteenth Congress, Annals, p. 1303.

⁶ Second session Eighteenth Congress, Senate Journal, p. 273.

⁷ Second session Twentieth Congress, Senate Journal, pp. 169, 197.

1993. On February 28, 1837,¹ the President pro tempore of the Senate presented a letter from the President-elect of the United States, informing the Senate that he would be ready to take the usual oath of office on Saturday, March 4, at 12 o'clock, at such place and in such manner as the Senate might designate.

Mr. Felix Grundy, of Tennessee, thereupon offered a resolution for the appointment of a committee of arrangements to make the requisite preparations for administering the oath.

Mr. Henry Clay, of Kentucky, said he was aware that the Senate had always had a peculiar agency in this matter, but he was not aware why the House should not have a concern. He would inquire what the practice had been.

Mr. Grundy replied that the proposed action was in strict accordance with precedents of recent inaugurations. He did not remember any instance in which the House had participated. The term of the House always ended before the event.

The resolution was agreed to by the Senate.

The House not only did not participate in the arrangements for inaugurations, but the reports in the Senate Journals and the records of debate do not mention Members of the House as accompanying the inaugural party to the portico, unless they be considered as included in the designation "other persons," who are mentioned as bringing up the rear of the processions as late as the inauguration of 1865.²

In the inauguration of March 4, 1869,³ "ex-Members of the House of Representatives and Members-elect" are mentioned as having a place after the Senate and diplomatic corps in the procession to the portico. In the inauguration of 1873⁴ they are again mentioned, coming after the Senate, diplomatic corps, and Cabinet.

As late as the inauguration of 1893⁵ the House followed after all the other bodies, and after the General of the Army and Admiral of the Navy.

1994. On the calendar day of March 4, 1901⁶ (the legislative day of March 2), at 11 o'clock and 55 minutes a.m., the Members of the House of Representatives, preceded by the Sergeant-at-Arms and Clerk, and headed by the Speaker and Chaplain, entered the Senate Chamber. The Speaker was escorted to a seat at the right of the President pro tempore of the Senate, the Clerk and Chaplain at the Secretary's desk, and the Members of the House were escorted to the seats on the floor provided for them.⁷

They were soon followed by the ambassadors and ministers of foreign countries, the Chief Justice, associate justices, and officers of the Supreme Court.

The heads of the Executive Departments, the Lieutenant-General commanding the Army and his aid, the Admiral of the Navy and his aid, the Commissioners of

¹ Second session Twenty-fourth Congress, Debates, p. 991; Globe, p. 212.

² Second session Thirty-eighth Congress, Globe, p. 1424.

³ First session Forty-first Congress, Globe, p. 1.

⁴ First session Forty-third Congress, Record, p. 2.

⁵ First session Fifty-third Congress, Record, p. 2.

⁶ Second session Fifty-sixth Congress, Senate Journal, pp. 277, 280; Record, p. 3562.

⁷ The arrangements for this inauguration were made by a joint committee of the two Houses. See section 1998.

the District of Columbia, and other persons entitled to admission occupied the seats on the floor of the Senate that were assigned to them.

The Vice-President-elect (Theodore Roosevelt, of New York) entered the Chamber accompanied by members of the committee of arrangements for the inauguration, and was conducted to a seat at the right of the President pro tempore.

The President pro tempore administered the oath of office to the Vice-President-elect.

Then, at 12 m., the President pro tempore declared the Senate adjourned sine die.

Immediately thereafter¹ the Vice-President took the chair and called the Senate to order in the special session convened "at 12 o'clock on the 4th day of March" by proclamation of the President of the United States.

After prayer by the Chaplain of the Senate the Vice-President addressed the Senate.

Then the proclamation of the President convening the special session of the Senate was read, after which the oath was administered to the Senators-elect.

After the administration of the oath, the persons entitled to admission to the floor having been admitted to the places reserved for them, the President-elect, William McKinley, entered the Senate Chamber, accompanied by the committee of arrangements of the two Houses (three from each House), and was escorted to a seat in front of the Secretary's desk, and the members of the committee were seated on his right and left.

The Vice-President then directed the Sergeant-at-Arms to execute the order of the inauguration ceremonies.

The President-elect was conducted to the President's room by the committee of arrangements, while those in the Senate Chamber proceeded to the platform on the central portico of the Capitol, in the following order:

The marshal of the District of Columbia and the marshal of the Supreme Court of the United States.

The Supreme Court of the United States and the officers thereof.

The ambassadors and ministers of foreign countries.

The Vice-President and Secretary of the Senate.

The Senate of the United States and ex-Senators.

The Sergeant-at-Arms and Clerk of the House of Representatives.

The Speaker and Members of the House of Representatives.

The Cabinet.

The Admiral of the Navy and Lieutenant-General of the Army and their aids.

The governors of States and Territories.

All other persons admitted to the floor of the Senate.

The President-elect of the United States having arrived on the platform on the central portico, the Chief Justice of the United States administered to him the oath of office.

And then the President delivered his inaugural address.

At the conclusion of the address the President departed to the White House, the Senate returned to its Chamber, and the ceremonies were ended.

¹First session Fifty-seventh Congress, Record, pp. 1-3.

The ceremonies at the inauguration of 1901 were similar to those of March 4, 1897,¹ except in the following respects:

In 1897 the President-elect, William McKinley, was accompanied on his entrance into the Senate Chamber by the retiring President, Grover Cleveland, and by a committee of three Members of the Senate. The propriety of a representation of the House on this committee had not at that time been asserted and recognized.

There were minor differences in the order of the procession to the portico, the President and President-elect coming after the Supreme Court and diplomatic corps, and being followed by the retiring Vice-President.

1995. The ceremonies of the inauguration in 1897 followed those of March 4, 1893,² except for certain differences in the order of the procession to the portico. The President and President-elect preceded the Senate and members of the diplomatic corps in 1893.

1996. When March 4 falls on Sunday the inauguration of the President of the United States occurs at noon March 5.

References to the early agitation in the House for a voice in making arrangements for the inauguration of President.

The inauguration of the President occurs on March 4, but when March 4 falls on a Sunday the ceremonies occur at noon of March 5.³

The House participates in these ceremonies, but did not have a large share in their arrangement until 1896. Questions in relation to the inauguration have frequently arisen in the House, but for a long time did not result in any increase of the authority of the body in this respect.⁴

1997. Ceremonies at the administration of the oath of office to Millard Fillmore, President of the United States.—On July 10, 1850,⁵ immediately after the assembling of the House and the disposal of the Journal, a message was announced from the President of the United States. This message, which was signed by Millard Fillmore, lately Vice-President, announced that Zachary Taylor, late President, had died at 10.30 o'clock the preceding evening. In conclusion the message announced the proposal of the President to take the oath of office at 12 m. in the Hall of the House of Representatives, in the presence of both Houses.

¹Second session Fifty-fourth Congress, Senate Journal, pp. 189–194; first session Fifty-fifth Congress, Record, pp. 1–4.

²First session Fifty-third Congress, Record, p. 2.

³Senate Journal, first session Forty-fifth Congress, March 5, 1877; also Memoirs John Quincy Adams, Vol. V, p. 302.

⁴See Record, third session Forty-sixth Congress, March 4, 1881, when Mr. Hutchins raised a question of privilege because United States soldiers placed about the Capitol denied him admission to the House. The life of the House expired while the discussion was proceeding. On February 28, 1889 (second session Fiftieth Congress), the House, after first proposing a joint committee to make arrangements, decided to issue tickets to the ceremonies, but there was complaint that the tickets were not honored by the Senate. Also on the legislative day of March 2 the House adopted a resolution protesting against the arrangements made by the Senate whereby the House brought up the rear of the procession. (Record, second session Fiftieth Congress, pp. 667, 2720, 2721.) On March 2, 1897, there was some question in the House as to the arrangements. (Record, second session Fifty-fourth Congress, p. 2648.)

⁵First session Thirty-first Congress, Journal, pp. 1119–1123; Globe, pp. 1365–1370, 1376.

Mr. Robert C. Winthrop, of Massachusetts, thereupon presented the following resolution, which was unanimously agreed to:

Resolved, That a committee consisting of three Members of this House, with such committee as the Senate may join, be appointed to wait upon the President of the United States and inform him that the Senate and House of Representatives will be in readiness to receive him in the Hall of the House of Representatives this day, at 12 o'clock m., for the purpose of witnessing the administration of the oath prescribed by the Constitution to enable him to enter upon the execution of his office.

The following gentlemen were thereupon appointed on the part of the House: Messrs. Robert C. Winthrop, of Massachusetts,¹ Isaac E. Morse, of Louisiana, and Charles S. Morehead, of Kentucky.

After a recess, and at 12 o'clock, a message from the Senate announced that they had adopted the following resolution, in which they asked the concurrence of the House:

Resolved, That the two Houses will assemble this day in the Hall of the House of Representatives at 12 o'clock m. to be present at the administration of the oath prescribed by the Constitution to the late Vice-President of the United States, to enable him to discharge the powers and duties of the office of the President of the United States, devolved on him by the death of Zachary Taylor, late President of the United States.

The message also announced that the Senate had concurred in the resolution of the House directing the appointment of a committee to wait on the President of the United States and had appointed a committee on their part.²

The resolution from the Senate was not acted on, it being the opinion of the Speaker³ that the resolution passed by the House was sufficient.

Soon after the reception of the message from the Senate, Mr. Morse, of the committee on the part of the House, appeared at the bar, introducing the Hon. William Cranch, chief justice of the district and circuit court of the United States, who ascended the Clerk's platform and took a seat thereon, a little to the right of the Speaker.

At 4 minutes past 12 o'clock the Senate of the United States, preceded by their Sergeant-at-Arms and Secretary, entered the Hall (the Speaker and Members of the House rising to receive them) and took the places assigned to them in the area in front of the Speaker's chair.

The Speaker and Members of the House then resumed their seats.

Immediately afterwards His Excellency Millard Fillmore, President of the United States, appeared at the bar of the House, supported by Messrs. Soulé, of the Senate, and Winthrop, of the House of Representatives, and accompanied by the other members of the joint committee and by the Cabinet of the late President of the United States.

The Speaker and Members of the House rose to receive them.

¹ It will be observed that Mr. Winthrop was a Whig in politics, and a representative of the minority side of the House, but a member of the same party with the President.

² The House Journal indicates that the message did not, in accordance with the present practice, give the names of the committee, who were Pierre Soulé, of Louisiana (Democrat), John Davis, of Massachusetts (Whig), and Joseph R. Underwood, of Kentucky (Whig). The Senate majority was Democratic. The House committee was composed of two Whigs and one Democrat, although the House also was Democratic as to its majority.

³ Howell Cobb, of Georgia, Speaker.

The President of the United States was conducted to a seat on the Clerk's platform immediately in front of the Speaker's chair.

The Speaker and Members of the House then resumed their seats.

The Speaker then rose and said: "The oath of office will now be administered to the President of the United States by Chief Justice Cranch."

The President and chief justice thereupon rose, and the President read the following oath:

I, Millard Fillmore, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.

Chief Justice Cranch then administered the oath, after which the President and chief justice resumed their seats.

After a brief pause the President arose and, accompanied by the committee, left the Hall, followed by the Cabinet and the Senate, the Speaker and Members of the House rising as they left.

Then, after a short interval, a message was received from the President of the United States recommending the two Houses to adopt proper measures for the funeral obsequies of the late President.

The Journal of the House has the following entry in regard to the ceremonies described above:

The President of the United States, the members of his Cabinet, the chief justice of the circuit court of the District of Columbia, and the Senate of the United States, having entered the Hall of the House of Representatives,

The oath of office was administered to the President by the chief judge of the circuit court of the District of Columbia.

The President, members of the Cabinet, chief judge, and Senate then retired from the Hall.

1998. Arrangements for the inauguration of the President of the United States (but not of the Vice-President) made by a joint committee of the two Houses.—On January 15, 1901,¹ Mr. Henry H. Bingham, of Pennsylvania, from the Committee on Appropriations, reported back the following joint resolution of the Senate (No. 142):

Joint resolution to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1901.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1901, in accordance with the programme adopted by the committee of arrangements appointed under resolution of the Senate on the 11th day of December, 1900, including the pay for extra police for three days, at \$3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, \$5,000, or so much thereof as may be necessary, the same to be immediately available.

With the following amendment recommended by the committee:

In line 12, strike out the word "five" and insert "seven."

¹Second session Fifty-sixth Congress, Journal, p. 118; Record, pp. 1031–1033.

After discussion as to the propriety of a participation by the House in the arrangements, the House, on motion of Mr. John Dalzell, of Pennsylvania, voted to recommit the resolution to the Committee on Appropriations with instructions to report it in a form to provide for the inauguration of the President of the United States—but not the Vice-President—according to arrangements to be made by a joint committee of the House and Senate.

On January 16¹ Mr Bingham reported the resolution back to the House with the amendments called for by the instructions. The House disagreed to that amendment, which proposed to strike out the words “and Vice-President,” but agreed to the amendment proposing, instead of the words “the programme adopted by the committee of arrangements appointed under resolution of the Senate of the 11th day of December, 1900,” the following: “Such programme as may be adopted by a joint committee of the Senate and House of Representatives, to be appointed under a concurrent resolution of the two Houses.” The amendment proposing the sum of \$7,000 instead of \$5,000 was agreed to, also an amendment, so that the title should read as follows:

Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1901.

Mr. Bingham then stated that he would also submit from the committee a concurrent resolution. It had been contended, and the contention had been made both in the House and in the Senate, that the President had no right to participate in the organization of either House of Congress, and it was therefore improper to provide for a committee of either House, or the two Houses, other than in a resolution or a concurrent resolution, which did not go to the President for his sanction. For this reason he proposed the following, which was considered by unanimous consent and agreed to by the House:

Resolved by the House of Representatives (the Senate concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President of the United States on the 4th day of March, next.

On January 22² the joint resolution was returned from the Senate with the message that the Senate had disagreed to the amendments of the House. The House, therefore, voted to insist on its amendments and agree to the conference asked by the Senate.

On February 2, 1901,³ the conferees reported, and the conference report was agreed to in both House and Senate. As agreed upon finally the joint resolution provided for the inaugural ceremonies exactly as proposed by the House, except in so far as they related to the Vice-President. The resolution as perfected had nothing to do with arrangements relating to inauguration of the Vice-President.

On February 4⁴ the Senate took up and considered the concurrent resolution, and agreed to it with an amendment striking out the words “and Vice-President.”

¹ Journal, p. 123; Record, pp. 1103–1106.

² Journal, p. 144; Record, p. 1316.

³ Journal, p. 187; Record, p. 1847.

⁴ Journal, p. 190; Record, p. 1901.

On February 5¹ the amendment of the Senate was considered and agreed to by the House, and the Speaker thereupon appointed the committee on the part of the House.

1999. On December 8, 1904,² in the Senate, Mr. John C. Spooner, of Wisconsin, offered the following resolution, which was referred to the Committee on Rules:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

On December 16³ Mr. Spooner reported the resolution from the Committee on Rules, and it was agreed to by the Senate.

On January 9, 1905,⁴ in the House, the resolution was taken from the Speaker's table and agreed to.

2000. Precedents of House and Senate in relation to notifying the President-elect and Vice-President-elect of their elections.—On February 15, 1817, the committee of the House of Representatives, appointed, in pursuance of the joint resolution of the two Houses, “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,” reported⁵ that after the votes had been counted and the result declared they had been informed by the Senate committee that “if the House of Representatives at any time had a claim to participate in this act, they had surrendered it, and that the Senate had come to a resolution on the subject.” The House committee go on to say:

Your committee found, on investigation, and so informed the committee of the Senate, that, with a single exception, in all cases where the President-elect was not the President of the Senate at the time of his election the House of Representatives had resolved either to send a committee to wait on the President and give him the notice or that the notice should be given in such manner as the Senate should prescribe; that in one case, where the election devolved on the House of Representatives and the President of the Senate was chosen, they had appointed a committee to inform him of his election; and that, in the excepted case, it seemed to be the result of inattention to the duty prescribed by the joint resolution, and passed sub silentio.

The committee went on to say that they did not propose to censure the Senate for lack of courtesy, but were of the opinion that in a matter so momentous forms should be respected, “for substance is intimately connected with forms in all matters of legislation.” The committee pointed out that the Constitution provides that the votes should be opened “in the presence of the Senate and House of Representatives,” and that also the Constitution had otherwise on this subject manifested a peculiar confidence in the House of Representatives, who, in certain cases, are authorized to elect a President.

¹ Journal, p. 194; Record, p. 1960.

² Third session Fifty-eighth Congress, Record, p. 64.

³ Record, p. 341.

⁴ Record, p. 602.

⁵ Second session Fourteenth Congress, House Report No. 84.

As, however—

continues the report—

the Constitution and the laws are silent in regard to the legality of the electoral votes, neither House can properly claim the exclusive right of deciding who has a majority of them; in other words, what votes shall be counted. Nevertheless, the recent investigation of the votes shows the possibility, even the probability, of a contest upon this point, as it has been claimed by some to belong to the Senate to decide exclusively upon the admissibility of the votes in consequence of the duty imposed upon the President of the Senate by the Constitution of performing the manual labor of opening the certificates.

If the Senate should at any time hereafter assert this claim, and decide contrary to the judgment of the House of Representatives, it will follow that the exclusive right, assumed by their resolution, of notifying the persons elected of their appointment becomes a most important one. * * *

If the Senate had resolved that they would proceed to open and count the electoral votes on the day fixed by law and that their President should notify the result to the persons elected, and had ordered that the House of Representatives should be informed of their resolution and be required to attend them, the act would have been resisted by the House as an usurpation. * * *

It is, therefore, to resist the authority of a single innovation, resulting from accidental inattention, to reestablish the early and repeated precedents upon this subject, and to assert the just rights of the House of Representatives that your committee have considered it to be their duty to submit their report.

This report was read and ordered to lie on the table, and does not appear to have been considered.¹ But later independent action was taken.

The committee on the part of the House who made the above report were appointed February 10,² and consisted of Messrs. John G. Jackson, of Virginia; William Irving, of New York, and Timothy Pitkin, of Connecticut.

The action which the Senate had taken was embodied in a resolution adopted February 13, on motion of Mr. Nathaniel Macon, of North Carolina. This resolution provided that the President be requested to cause to be delivered to James Monroe, “now Secretary of State of the United States, a notification of his election to the office of President of the United States,” and cause to be transmitted to the Vice-President a similar notification. The resolution also directed the President of the Senate to make out a certificate of election, which should be laid before the President of the United States.³

The House Journal of February 26 has this entry:

Mr. Jackson, from the committee appointed by this House to wait upon the Hon. James Monroe, and inform him of his election to the office of President of the United States, reported that the committee had performed that service.⁴

This committee had consisted of Messrs. Jackson and Pitkin, and had been appointed in accordance with a resolution adopted February 21.⁵ This resolution was offered by Mr. Jackson, who stated that it grew out of the report made February 15. It simply provided for notifying the President and Vice-President of their election.

¹ Second session Fourteenth Congress, Annals, p. 960; Journal, p. 406.

² Journal, p. 374.

³ Annals, p. 117.

⁴ Journal, p. 470.

⁵ Journal, p. 441; Annals, p. 1019.

Four years later, in 1821, the House and Senate united in appointing a joint committee to notify the President and Vice-President elect. Apparently there was no opposition to this procedure.¹

This practice continued without interruption until 1877, when the disputed election occurred, and the result of the vote was not announced until March 1, two days before the Congress expired.² No suggestion seems to have been made in regard to notifying the President and Vice-President-elect.

At the next occasion, in 1881, the notification does not seem to have been suggested.³ The following resolution, concurrent in form, was at that time agreed to separately by both House and Senate:

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the two Houses are of opinion that the Constitution and laws have been duly executed, and that no further declaration of these facts is necessary.

In 1885,⁴ after the electoral vote had been counted, Mr. J. Warren Keifer, of Ohio, offered a resolution and preamble, reciting the counting of the vote and the results thereof as to majority, and resolving that it was the sense of the House that the Constitution and laws had been duly executed and that no further declaration of these facts was necessary. Mr. Keifer said that in conference with the tellers on the part of the Senate it had been decided that the resolution should be in this form and should not be concurrent in form. There was some discussion about the precedents and whether the President of the Senate might have declared the result instead of simply announcing the vote, and adding a disclaimer of his authority as presiding officer of the Senate or joint convention to make any declaration at all.

Finally Mr. S. S. Cox, of New York, saying that he wished to make no precedent for the future, moved that the resolution be laid on the table. This was done by a vote of 137 yeas to 113 nays.

Then Mr. James F. Clay, of Kentucky, presented a resolution, concurrent in form, that a committee of the House and Senate be appointed to notify the President-elect and Vice-President-elect of their election, and that the President of the Senate be directed to make out and sign a certificate, the form of which was appended.

After debate and some citation of precedents the resolution was agreed to without division. On February 12 the resolution was received in the Senate and referred to the Committee on Privileges and Elections.⁵ That committee did not report on the subject.

¹ Second session Sixteenth Congress, Journal, pp. 255, 258; Debates, pp. 360, 362, 1194.

² Second session Forty-fourth Congress, Journal, p. 613; Record, p. 2068.

³ Third session Forty-sixth Congress, Record, p. 1388; Journal, p. 362.

⁴ Second session Forty-eighth Congress, Journal, p. 524; Record, pp. 1533–1337.

⁵ Second session Forty-eighth Congress. Record, p. 1547; Senate Journal, p. 275.