

son, Noble, John O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweet, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—57.

NOT VOTING—Messrs. Augustus C. Baldwin, Hutchins, Lazear, Le Blond, Marcy, McDowell, McKinney, Middleton, Nelson, Radford, Rogers, John B. Steele, and Voorhees—13.

So the motion to reconsider was agreed to.

The question recurred on the passage of the joint resolution.

Mr. ASHLEY. I demand the previous question.

Mr. MALLORY. I rise to a question of order. My point of order is that a vote to reconsider the vote by which the subject now before the House was disposed of in June last requires two thirds of this body. That two-thirds vote has not been obtained.

The SPEAKER. The Chair overrules the point of order. The rules of the House authorize every bill and joint resolution to pass by a majority vote. The Constitution of the United States, however, declares that no constitutional amendment shall pass except by a two-thirds vote. On the question of the passage of the joint resolution the constitutional provision will operate, and not till that time. All other questions are governed by the rules of the House.

The Chair will state that this has been the uniform usage of the House in regard to bills vetoed by the President. In such cases all votes up to the time of taking the question on the passage of the bill over the President's veto are decided by a majority vote; but on the final vote a two-thirds vote is necessary.

Mr. MALLORY. My action upon this question of order will depend a good deal on the response to a proposition which I am about to make to the gentleman from Ohio, [Mr. ASHLEY.] There are gentlemen belonging to this side of the House who can be here to-morrow, but who are not here to-day, who are anxious to vote upon this question. If the gentleman from Ohio will agree that the vote shall be taken at a fixed hour to-morrow, all action upon this side of the House for delay will cease.

Mr. ASHLEY. It has been the universal understanding that we were to have a vote to-day. Gentlemen upon the other side of the House will bear me witness that I have prolonged this debate against the protest of gentlemen upon this side of the House and of leading friends of the measure in the country; and I think it does not come with a very good grace from the gentleman from Kentucky, in view of the time which has been extended to his friends on that side of the House, that he should demand now, when notice was given again and again that a vote would be taken to-day, that it shall be postponed until to-morrow. It seems to me that if gentlemen choose to absent themselves from the House their action ought not to operate either to keep us in session here or justify members in resorting to the usual parliamentary rules to procrastinate and put off the vote.

Mr. MALLORY. I was not aware that any understanding had been arrived at as to a vote on this question to-day. It was postponed till to-day, but at that time there was certainly no understanding that there should be a vote to-day.

Mr. ASHLEY. In reply to a question by the gentleman from Pennsylvania, [Mr. STILES,] I gave notice last week that the vote would be taken to-day; and at the beginning of the discussion this morning I fixed three o'clock as the time the vote would be taken, instead of which we have procrastinated it almost an hour to accommodate gentlemen upon the other side of the House.

Mr. MALLORY. Did that understanding exist upon this side of the House? If it did and if gentlemen will say so, I shall take no action in this matter.

Several MEMBERS. It was so understood.

Mr. ASHLEY. I cannot yield any further. I desired this morning to be heard on this question, and came into the House intending to close the debate, as under the rules I had a right to do. The time, the subject, and the occasion, all united to make it desirable; but I yielded the time to gentlemen on the other side, until it is now nearly four o'clock, and members on all sides of the House demand a vote. I therefore decline to take up the time of the House, and demand that the main question shall now be put.

Mr. BROWN, of Wisconsin. I ask the gentleman from Ohio to yield to me to offer a substitute for the joint resolution.

Mr. ASHLEY. I cannot yield for that purpose. I have a substitute myself, which I should much prefer to the original joint resolution, but I do not offer it.

The SPEAKER. No motion to amend would be in order at this stage. The joint resolution has passed its third reading, and is now on its passage.

Mr. ELDRIDGE. Mr. Speaker, the gentleman from Ohio says that he has a substitute which he himself prefers to this joint resolution. If so, why does he not offer it to the House? There certainly will be no objection on this side.

Mr. ASHLEY. I do not offer it, because I would not procrastinate this discussion or hazard the passage of the measure.

Mr. ELDRIDGE. It seems to me that if the gentleman has a better substitute, he should propose it. [Calls to order.]

The previous question was seconded, and the main question ordered; which was on the passage of the joint resolution.

Mr. DAWSON called for the yeas and nays. The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 119, nays 56, not voting 8; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Colfax, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, English, Farnsworth, Frank, Ganson, Garfield, Gooch, Grinnell, Griswold, Hyde, Herrick, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Patterson, Pendleton, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Scott, Shannon, Sloan, Smithers, Spalding, Starr, Stevens, Strouse, Stuart, Tiaryer, Thomas, Tracy, Upson, Van Valkenburgh, Wadsworth, Ward, Elihu B. Washburn, William B. Washburn, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, and Woodbridge—121.

NAYS—Messrs. James C. Allen, William J. Allen, Coffroth, Denison, Eden, Edgerton, Eldridge, Grider, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Philip Johnson, Kalbfleisch, Kaupp, Law, Long, Morrison, Noble, Radford, Samuel J. Randall, Ross, Stiles, Townsend, and Joseph W. White—24.

NOT VOTING—Messrs. Bliss, Brooks, James S. Brown, Clay, Cravens, Dumont, Finck, Ganson, Hall, Harding, Hooper, Philip Johnson, William Johnson, Lazear, Le Blond, Marcy, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, John O'Neill, Orth, Perry, Pruyn, Robinson, Rogers, Smith, John B. Steele, William G. Steele, Sweet, Voorhees, Webster, Chilton A. White, Fernando Wood, Worthington, and Yeaman—37.

The House thereupon (at twenty minutes past four o'clock, p. m.) adjourned.

IN SENATE.

WEDNESDAY, February 1, 1865.

Prayer by Rev. B. H. NADAL, D. D.

On motion of Mr. WILSON, and by unanimous consent, the reading of the Journal was dispensed with.

PETITIONS AND MEMORIALS.

Mr. RAMSEY presented a memorial of the Legislature of the State of Minnesota, for an additional grant of lands to aid in the completion of the several lines of railroad and branches in that State mentioned in the act of Congress approved March 3, 1857, and for an extension of the time limited therein for the completion of the railroads; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. DIXON presented the petition of Hillard Gladding, praying for an amendment of the Constitution of the United States forever prohibiting slavery; which was ordered to lie on the table.

Mr. CHANDLER presented resolutions of the Legislature of the State of Michigan, in favor of a grant of land in aid of the construction of a harbor at the mouth of Ontonagon river, on the south shore of Lake Superior; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of the State of Michigan, in favor of a grant of land in aid of the construction of a ship-canal from Portage Lake to Lake Superior; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. SUMNER presented the petition of William Crosswell, formerly in the naval service, for a pension; which was referred to the Committee on Pensions.

Mr. MORGAN presented a resolution of the Chamber of Commerce of the State of New York, concurring in the resolutions of the Philadelphia Board of Trade, recommending an amendment to the Constitution of the United States imposing

So, the two thirds required by the Constitution of the United States having voted in favor thereof, the joint resolution was passed.

During the roll-call,

On Mr. ENGLISH and Mr. GANSON voting "ay," there was considerable applause by members on the Republican side of the House.

The SPEAKER called repeatedly to order, and asked that members should set a better example to spectators in the gallery.

Mr. KALBFLEISCH and other Democratic members remarked that the applause came, not from the spectators in the gallery, but from members on the floor.

The SPEAKER. Members will take their seats and observe order.

The SPEAKER directed the Clerk to call his name as a member of the House.

The Clerk called the name of SCHUYLER COLFAX, of Indiana, and Mr. COLFAX voted "ay." [This incident was greeted with renewed applause.]

The SPEAKER. The constitutional majority of two thirds having voted in the affirmative, the joint resolution is passed.

[The announcement was received by the House and by the spectators with an outburst of enthusiasm. The members on the Republican side of the House instantly sprung to their feet, and, regardless of parliamentary rules, applauded with cheers and clapping of hands. The example was followed by the male spectators in the galleries, which were crowded to excess, who waved their hats and cheered loud and long, while the ladies,

hundreds of whom were present, rose in their seats and waved their handkerchiefs, participating in and adding to the general excitement and intense interest of the scene. This lasted for several minutes.]

Mr. INGERSOLL. Mr. Speaker, in honor of this immortal and sublime event I move that the House do now adjourn.

The SPEAKER declared the motion carried, and again the cheering and demonstrations of applause were renewed.

Mr. HARRIS, of Maryland. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 24, not voting 37; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Chauter, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Cox, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Dawson, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, English, Farnsworth, Frank, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, King, Knox, Littlejohn, Loan, Longyear, Mallory, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Patterson, Pendleton, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Scott, Shannon, Sloan, Smithers, Spalding, Starr, Stevens, Strouse, Stuart, Tiaryer, Thomas, Tracy, Upson, Van Valkenburgh, Wadsworth, Ward, Elihu B. Washburn, William B. Washburn, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, and Woodbridge—121.

NAYS—Messrs. James C. Allen, William J. Allen, Coffroth, Denison, Eden, Edgerton, Eldridge, Grider, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Philip Johnson, Kalbfleisch, Kaupp, Law, Long, Morrison, Noble, Radford, Samuel J. Randall, Ross, Stiles, Townsend, and Joseph W. White—24.

NOT VOTING—Messrs. Bliss, Brooks, James S. Brown, Clay, Cravens, Dumont, Finck, Ganson, Hall, Harding, Hooper, Philip Johnson, William Johnson, Lazear, Le Blond, Marcy, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, John O'Neill, Orth, Perry, Pruyn, Robinson, Rogers, Smith, John B. Steele, William G. Steele, Sweet, Voorhees, Webster, Chilton A. White, Fernando Wood, Worthington, and Yeaman—37.

The House thereupon (at twenty minutes past four o'clock, p. m.) adjourned.