

tellers were appointed; and when the House was about dividing, one of the tellers inquired who he should count from the State of New Jersey. The Chair decided that the tellers should count the members from that State who had the Governor's certificates. From this decision an appeal had been taken, and the House had reversed the decision of the Chair. Then, he apprehended, they stood precisely where they did when this appeal was taken; and the question now would be upon the motion to lay on the table; and he thought the proper course now would be for the tellers to count all who passed through, and if any of the disputed members should vote, let them report that fact to the House. He hoped that the Chair would direct the tellers to count all who passed through.

Mr. Baintonall hoped that no such direction would be given. The Chair said he had made his decision—that decision had been reversed; and it would now be for the House to decide who should represent the State of New Jersey.

Mr. Tillinghast thought the Chair ought not to put the question on the motion to lay on the table until the House had decided who should vote from the State of New Jersey. The appeal from the decision had been sustained, and it had been sustained, if we looked at the argument upon it, upon two grounds. One was that the matter was a proper subject for the House to determine, and the other was that the decision was incorrect, whether by the Chair or the House.

Mr. Turney rose to a point of order. The question, as he understood it, was to lay the resolution of the gentleman from Virginia on the table; and the question to lay on the table, according to the rules, was not debatable.

The Chair said that the question as to who were to represent the State of New Jersey must first be decided, before the question to lay on the table came up.

Mr. Smith of Maine said that the Chair had directed that the gentlemen from New Jersey were entitled to vote. An appeal had been taken from that decision, and it had been reversed, and the gentleman from Rhode Island [Mr. Tillinghast] had attempted to give the reasons for this vote of the House; but he would tell the gentleman that the strongest reason which operated upon him, was the 34th rule of the House. He thought the House had a right to decide under that rule, when gentlemen were directly, personally, and immediately interested, that they should not vote. He believed that many other gentlemen besides himself had voted against the decision of the Chair in consequence of this rule.

Mr. McKay moved that none of the disputed members from New Jersey be permitted to vote until this question was decided.

Mr. Graves rose to a question of order. His point was this: there was a question before the House, and the previous question had been moved upon it; therefore, no gentleman had the right to bring up a separate and independent proposition until that question was disposed of.

The Chair said the previous question could not be put until this question as to who should represent the State of New Jersey should first be decided.

Mr. McKay then moved that neither set of members from New Jersey shall vote until the question who shall vote from the State of New Jersey shall be first decided by the House. He contended that this was the proper course to be pursued, and read an extract from Hatzell in support of his position. It was the uniform practice in the British Parliament, when seats were contested, that both parties should withdraw until their case was decided by those who were not personally interested in the matter. This was the only correct and proper course to be pursued, and he hoped his proposition would be agreed to by the House. He also referred to the case of Howell and Everett of Rhode Island, in the continental Congress, which had been cited by the Chairman, and showed that the Rhode Island members did not vote on their own case in the first instance. Subsequently, however, they did vote upon such questions as were presented.

Mr. Profit rose to appeal from the decision of the Chair. "What decision?" from different parts of the House.

Mr. W. C. Johnson rose and stated that he held in his hand a series of resolutions to offer, which would bring the House directly to a vote on the question at issue. [Cries of "order, order, order."] Mr. Petrikin rose to a point of order. He wished to know whether it was competent for the Chair to entertain three or four propositions at one time.

Mr. Johnson. Let the gentleman reduce his point of order to writing.

The Chair requested that the gentleman from Pennsylvania should reduce his point of order to writing.

Mr. W. C. Johnson would say what he had to say upon his resolution, while the gentleman was preparing his point of order. Mr. J. held that the House had not the right to vote out the Representatives of an entire State. The House must conform to the Constitution and the laws, and they expressly inhibited the House from taking such a course, unless the members were sworn in. He contended that they could not adopt the proposition of the gentleman from North Carolina, because, by the law of apportioning Representatives, New Jersey was entitled to six Representatives, and it was not in the power of this House to deprive her of that representation.

Mr. Petrikin then presented his point of order in writing; but—

The Chair decided against it, because the question to lay on the table could not be pending while the preliminary question was undecided.

Mr. Petrikin raised an additional point of order, as to whether any other motion could be made, which would not assent that motion. If such was the decision of the Chair, he would appeal from that decision.

The Chair said that whatever question might arise, the moment the House came to vote upon it, the question would arise as to who should vote upon it; and the question as to who should vote, must be settled before the question to lay on the table can be put.

Mr. Rhett thought the proper course should be to decide one question at a time. Mr. R. went over, and summed up the various questions presented to the Chair, and concluded by moving the previous question on the appeal taken by Mr. Petrikin.

Mr. Briggs contended, that as the question pending was on the motion of Mr. McKay, an appeal could not be taken on any other question.

The Chair then decided that Mr. Petrikin's motion could not be entertained.

Mr. Petrikin. Then I appeal from that decision.

[Loud cries of "order!" "order!" "order!"] Mr. Johnson then asked for the reading of his resolution.

Mr. Bynum objected to this course of piling question upon question. If we did not go on and de-

side questions according to some rule of order, it would be utterly impossible to do any thing.

Mr. Johnson said he offered his resolutions as a substitute for the motion of the gentleman from North Carolina. Mr. J.'s resolution was then read as follows:

Resolved, That a certificate of election as a member of the House of Representatives of the United States, duly made, in conformity with the laws of the State which the parties profess to represent, and signed by the proper officers under the great seal of the State, is sufficient per se to entitle the person to whom it is given to be sworn in as a member of the House, provided that no State shall have more Representatives than is allowed to it by the Constitution and laws of the United States.

Resolved, That, under the fifth section of the second article of the Constitution, the House of Representatives of the United States can only look beyond such certificate, and judge of the election, returns, and qualifications, of its own members, after it shall have been organized and sworn.

Mr. Johnson said he offered this proposition as an amendment to the motion of the gentleman from North Carolina, because he felt that he could not vote on the motion of that gentleman. We have not yet been sworn; we have not taken the oath of office prescribed by the Constitution of the United States, and he could not consent to see the House proceed to the solemn farce or mockery of voting the Representatives of a whole State out of this House, when the members of the House were not under the moral and religious obligations required by the Constitution.

The Chair said he did not feel authorized to entertain a resolution, the effect of which would be to deprive the State of New Jersey of her representation on this floor. It was not competent for this meeting to pass such a resolution. The resolution of the gentleman from North Carolina declared, in effect, that the people of the State of New Jersey should not be represented on this floor, and the Chair could not put the question, upon such a resolution, to the House.

Mr. Johnson. Then I will offer my resolution as a separate and distinct proposition. In reply to a proposition which had been made by some gentleman on the floor, that all the members from New Jersey might vote, provided the result was not changed, he wished to say a few words. New Jersey was entitled to six Representatives under the laws apportioning Representatives, and he held that it would be a monstrous innovation for the House to permit eleven members from that State to vote. That State was entitled to six Representatives, and she was entitled to no more; and the question here was, who those six representatives should be? This question was settled by the Constitution of the United States and the laws of New Jersey, and it was incompetent for this House to take any question upon that until it was first organized, and gentlemen had taken the oath of office.

Mr. Francis Thomas rose to ask the gentleman from North Carolina [Mr. McKay] to withdraw his proposition, in order that another effort might be made to settle this question. Mr. T. said he had moved no preliminary proposition, he had offered no amendments to propositions which had been before the House; not because he had not felt deeply interested in the questions—not because he did not feel a deep anxiety to see the House organized in an orderly manner, and at an early day, but because he believed that all the preliminary questions and a tendency to postpone the organization of the body. He believed that a large majority of the members of the House had made up their minds as to how they would vote on this question, in any shape which it might assume. Then let it be the effort of every gentleman to bring the House to action. What was the course best calculated to do so? Was it best for us to be chasing shadows and discussing questions which may never arise? We would have difficulties enough, by pursuing a straight-forward course, without stepping aside to raise difficulties which were not in our way. He knew that there were members here who held the opinion that four of these New Jersey members could vote upon the right of the fifth to take his seat. This was not his opinion, but he proposed to avoid, if possible, that and other such questions, because if we went on to discuss them, as we had done, we might be discussing here till doomsday, without arriving at any practical result. The course, then, which he intended to pursue was, not to moot preliminary questions unnecessarily. Let the vote be taken. It was possible, when it was taken, that the case would stand as it stood to day. It may be that the votes of the five disputed members from New Jersey would not change the result, whether counted or not. When the vote was taken this morning, it appeared that four of the disputed New Jersey members had voted, but their votes could not change the result, therefore no objection had been made from any quarter to their voting. By this course, the House may avoid deciding on these vexed preliminary questions, and he thought every gentleman ought to endeavor to avoid them if possible; the public interest required this; but if they were to be decided on, let them be decided on when the necessity for it arises. It will be time enough, then, to decide on them.

With regard to the proposition of the gentleman from North Carolina, it, in his opinion, decided nothing. That proposition, as stated verbally, is, in effect, that the members from New Jersey shall not vote until the House decides that they shall vote. Well, suppose this proposition should be adopted by the House, it would be a mere abstraction. The House must then go a step further, and say whether they shall vote or not. It will be competent, then, for gentlemen to say that he [Mr. T.] should not vote until the House decided that he should vote. The same objection might be raised to any other gentleman's right to vote, and day after day would be spent in these preliminary questions, and no good would result from this. Then let us meet the question to-day, and come up to the question which is best calculated to avoid all difficulty. Let us take the vote to lay the resolution of the gentleman from Virginia on the table, or to reject it; and if the vote of the disputed members from New Jersey does not change the result, let the decision of the House be pronounced without raising these preliminary questions of abstract right which serve but little practical purpose. This course had been suggested by the Chair some days ago as the proper course to be pursued, and he hoped the House would take up this suggestion and act upon it now. In urging this course upon the House, he would state that his sole object was to bring the House to action and avoid those difficulties in which the House had been long involved, to the injury of the public service, and at the risk of its own dignity and capacity for future usefulness.

Mr. Wise would suggest a course by which the House might arrive at a speedy termination of this question. Let the gentleman from Maryland withdraw his proposition. Let the gentleman from North Carolina withdraw his resolution, and let the gentleman from South Carolina withdraw the motion to lay the resolution, submitted by him,

[Mr. Wise] on the table. Then let the Clerk go on and call the roll, calling the members from New Jersey, who had presented the legal formal certificates, according to the Constitution and the laws of New Jersey. Then we will be prepared to vote; and when we come to vote upon any question, if the votes of the New Jersey members will not change the result, nothing need be said about their voting; but if it does, then the tellers can report the fact to the House and the House can then set upon the question. He thought this would be the most satisfactory mode of getting over all difficulty in relation to this question, and hoped gentlemen would cease pursuing shadows, and unite upon some practical proposition of this kind.

Mr. McKay, after a few remarks, which in consequence of the noise and disorder prevailing, with repeated calls to order, were not heard, said that he had before expressed the opinion, which he repeated that neither party should be permitted to vote. The question has been submitted to the Chair, but the Chair refused to put it, until it should be decided by the House who should vote as members from the State of New Jersey. The House had already decided that the five New Jersey gentlemen who held the certificates of the Governor should not vote, and the Chair refused now to put any question to the House, for the reason that it must first decide who are to vote as members from New Jersey, while there is no proposition to decide that point, either in the affirmative or negative before the House. This he considered to be a monstrous assumption of authority by the Chair. The House has decided that five of the claimants shall not vote, and a member then submits a motion that the other five also shall be prevented from voting until the controversy is decided. The Chairman then declares that, while he occupies that chair, he never would permit a sovereign State to be disfranchised, by prohibiting her Representatives from voting on any question before that House; and therefore he declares that he would not put the question. Did not the Chairman himself at the last session, submit a resolution to the House, that no member whose seat was contested should be entitled to vote upon any question before the House, until his right to a seat should be first investigated and decided upon? Now if it was constitutional for the Chairman himself to present that resolution as a member of the House of Representatives, was it not constitutional for him as a member of the House of Representatives, to offer a similar proposition? If however, the House was willing to proceed at once to a vote, he would be willing to withdraw his proposition.

Mr. Craig asked if the House was now about to decide the right to seats of the members from New Jersey? He asked, in the language of the eloquent gentleman from Georgia, who addressed them the other day, how was the House to enforce its edicts? Under the difficulty they were involved in the other day, the Clerk deciding that he could not put a question, a Chairman was appointed, who would have the power to put questions.—Now, what did the Chair tell this House just now? "As long as I occupy this chair, I will not suffer a sovereign State to be disfranchised by excluding the votes of her members on any question before the House." Sir, said Mr. C., we can never get along unless we attack difficulties one at a time. The first difficulty was that produced by the Chair itself, in declaring that he would not put a question; his refusal to register the edicts of the House.—The House had determined that the members who presented the certificates of the Governor of New Jersey shall not be permitted to vote. Let us, then, said Mr. C., dismiss all quibbles; let us feel and act as men, and consider this tantamount to a decision that neither party shall vote until the controversy is settled. [So much noise and confusion prevailed while Mr. Craig was speaking, that the Reporter heard him very imperfectly; and, in the concluding part of his remarks, his voice was completely drowned by the cries of "order, order!" "go on, go on!" &c.]

Mr. Rhett, in reply to some words from Mr. Wise, not heard, declined to withdraw his motion to lay that gentleman's resolution on the table. The question, he said to decide the fate of that resolution, could as well be taken on the motion to lay on the table as on any other way.

Mr. Johnson of Maryland, then said he refused to withdraw his motion, whereupon—

Mr. Wise moved the previous question on it.

Mr. Rhett then asked if that resolution of Mr. Johnson's was before the House.

The Chair answered, that no question could be before the House, until it should decide who should vote as members from the State of New Jersey.

Mr. Rhett stated the question, as he understood it. It first arose on his [Mr. R.] motion to lay the resolution of the gentleman from Virginia [Mr. Wise] on the table; next on the resolution of the gentleman from Maryland, as a substitute; and then came the decision of the Chair, that no question could be put until the House decides who shall vote as members from New Jersey. Now he moved to lay the question raised by the Chair on the table.

Mr. Wise informed the gentleman from South Carolina [Mr. Rhett] that no motion could be put on that question until the preliminary one of who was entitled to vote should be first decided.

Mr. Slade desired to know the question that was before the House.

The Chair said that the main question was for the meeting to determine who was entitled to vote from the State of New Jersey. The House having determined, by reversing the decision of the Chair, that the members, holding the certificates of the Governor of New Jersey, should not vote, it was now necessary that the meeting should say who was entitled to vote, inasmuch as they would not deprive a sovereign State of its representation on this floor.

Mr. Slade understood the gentleman from Maryland [Mr. Johnson] had offered a proposition here, which he was disposed to keep before the House, unless the gentleman from South Carolina would withdraw his motion to lay the resolution of the gentleman from Virginia [Mr. Wise] on the table.

Mr. Johnson of Maryland said he would modify his resolution by withdrawing the second clause of it. The first clause contained a distinct proposition, and the House, by taking the question on it, would come to a direct vote on the principle involved.

Mr. Slade then rose and made some remarks, which will be reported in full hereafter.

Mr. Graham of North Carolina rose to a question of order, several members trying to obtain the floor, and speaking at the same time.

The Chair again stated the question. The House must first decide who shall vote as members from New Jersey, and then the question on the motion of the gentleman from South Carolina could be put. The Chair would, however, suggest a substitute for his decision, which he would adopt, if it met with the concurrence of the House. This was the course of procedure he suggested on Saturday last, and which had been already adopted on taking two or three questions; that is, the Chair would put the question, and the tellers would, on

counting the votes, report the result to the House; and whether any of the members whose seats were contested voted on the same, and should it be found any such voting would change the result, it would be for the House to determine whether such votes should be counted.

Mr. Black asked the Clerk to read the resolution, and it was read as follows:

Resolved, That the acting Clerk be directed to call the members of the House, including, in such call, the members from New Jersey, who have the certificates of the Governor of that State, that they are elected as Representatives of the Twenty-sixth Congress.

Mr. Slade rose and contended for his right to go on with his remarks.

The Chair said that the question was, who should vote from the State of New Jersey.

Mr. Wise. The question is on the motion of the gentleman from South Carolina to lay my proposition on the table; and therefore, the gentleman from Vermont was speaking out of order. We are come now, said Mr. W. to the direct question, and he begged gentlemen to let it be taken.

The Chair did not consider the gentleman from Vermont to be out of order. The reasons assigned by the Chair, for his decision, were not heard by the Reporter.

Mr. Slade said, so many gentlemen were anxious for him to yield the floor, he would do so to accommodate them.

Mr. Rives rose, and attempted to address the Chair, to make some suggestions as to the mode of proceeding, when—

Mr. Wise, and several other gentlemen, called him to order. Great noise and confusion prevailed at the time, and repeated cries of go on, go on were also heard.

Mr. Rives again attempted to obtain the floor, when—

Mr. Wise again interrupted him with calls to order. Whether the question was on the motion submitted by the gentleman from South Carolina to lay his resolution, or the resolution of the gentleman from Maryland, on the table, still the motion was not debatable, and he hoped the Chair would order the gentleman to take his seat.

The Chair was unwilling to arrest any gentleman on a point of order, who thought he had any new proposition to present to the meeting.

Mr. Rives said it was not his intention to throw any obstacle in the way. He desired to come to some conclusion, and therefore he proposed to gentlemen to permit the gentleman from South Carolina [Mr. Rhett] to offer his resolution as an amendment to the resolution of his colleague, [Mr. Wise], and let the House come to a decisive vote.

Mr. Briggs made a few remarks, showing the necessity of enforcing the point of order, and preserving decorum in the House.

Mr. Profit endeavored to obtain the floor, and at the same time giving his opinion that the motion was debatable, and he wanted to have his share of it.

Mr. P. was called to order by several gentlemen, and he took his seat.

The Chair then put the question on Mr. Rhett's motion, and directed the tellers to report the names of those members voting whose seats were contested; and also to report how the vote would be without the votes of those gentlemen whose seats were contested, and how it would be with the votes of those gentlemen.

Mr. Holleman denied that such was the question before the House. He also denied that the question was ever presented for the House to decide, as stated by the Chair, as to who should vote as members from New Jersey, though the Chair wished to make it so. To constitute a question before the House there must be an affirmative and a negative, or how could the House decide it. How could it decide the question as to who should vote as members from New Jersey, when, having already decided that one set of the claimants should not vote, the Chair refuses to put the question as to the right of the others to vote? He denied that the Chair had a right to make any such decision. This was putting the House in a position in which it could neither advance nor recede. Some days ago, when the House was in a similar condition, in consequence of the Clerk deeming himself incompetent to put questions to the House, the gentleman occupying the Chair forcibly appealed to his fellow-members present to relieve themselves from the embarrassment in which the decision of the Clerk had placed them, by removing the Clerk, and putting some one in his place. This appeal had been followed up by the motion of the gentleman from South Carolina, which placed the gentleman himself in the Chair. It was then supposed that the House was relieved from the difficulties in which the decision of the Clerk placed them. But really, from the decision of the Chair just made, it appeared to him that it would become necessary for the House to remove him from the Chair, and put some one in his place who was willing to put a question. Mr. H. after a few remarks, made during much noise and confusion, appealed from the decision of the Chair, and asked for the previous question on the appeal.

Mr. Briggs said if the gentleman from Vermont would withdraw his objections, he would submit the proposition of the Chair to the House for its decision in the form of a motion. Mr. B. then submitted the following, which he read:

Resolved, That on the motion of Mr. Rhett to lay Mr. Wise's motion on the table, or on Mr. Wise's resolution itself, the tellers shall count all the persons who may pass between them; and if any pass whose right to vote is disputed, the tellers shall report their names to the Chair, after the number of votes on both sides are reported, for the decision of the House.

Mr. Holleman declined withdrawing his proposition, and insisted on taking an appeal from the decision of the Chair.

The Chair asked what decision the gentleman from Virginia demanded an appeal from.

Mr. Holleman said that his appeal was from the decision of the Chair, that no question could be put until the House decided who should vote as members from New Jersey.

The Chair said, I withdraw that decision. [Much laughter.]

The question was then taken on Mr. Briggs's motion, and it was carried without a division.

The Chair then stated the question on Mr. Rhett's motion, and instructed the tellers, in counting, to report if any members whose seats are contested, voted; using the language of the resolution just adopted on the motion of Mr. Briggs.

The House having seconded the call for the previous question.

The question was then taken, shall the main question, now be put? and was decided in the affirmative without a division.

The main question to lay Mr. Wise's resolution on the table was then put, Messrs. Dromgoole and Davies having been appointed tellers.

On counting the result, the tellers reported that there were 115 votes in the affirmative, and 114 in the negative; Mr. Naylor from Pennsylvania, whose seat was contested, voting with the nays.

The Chair announced this decision of the House to be 115 in the affirmative and 115 in the nega-

tive, (the Chair voting with the nays,) so that there being a tie, the motion was lost.

Mr. Smith of Maine denied that the motion was lost, and appealed from the decision of the Chair. He understood the tellers as having reported that Mr. Naylor, whose seat was contested, voted with the nays. He denied the right of Mr. Naylor to vote, and objected to its being counted.

Mr. Naylor observed that the gentleman from Maine, [Mr. Smith] had challenged his right to vote. Now, he challenged the right of the gentleman himself to vote. Here are my credentials, said Mr. N. holding them in his hand.

Mr. Smith of Maine. I turn the gentleman over to Mr. Ingersoll, who has the certificate of the judges of election, and the certificate of the Governor, under the broad seal of the State of Pennsylvania.

Mr. Wise moved that the vote of the gentleman from Pennsylvania be counted, and on that motion, he called for the previous question.

Mr. Reynolds, amidst much noise and disorder, moved an adjournment—a number of gentlemen on the floor.

Mr. Wise and others opposed the adjournment, Mr. Wise proposing to sit by candle light.

The Chair was proceeding to put the question on Mr. Wise's resolution, which he said was the next in order, when—

Mr. Reynolds insisted on his motion for adjournment, and demanded that the question be taken out of order, while a question was pending.

Mr. Smith and several members here contended that the question of Mr. Rhett's motion was already decided, and that it yet depended on the decision of Mr. Naylor's right to vote.

Mr. Weller again moved the adjournment.

Mr. Wise restated his motion that Mr. Naylor's vote be counted, and also his motion for the previous question on it.

The Chair said he understood the decision of the House, in the motion of the gentleman from Massachusetts, (Mr. Briggs), to refer only to the contested seats from New Jersey, and that the gentleman from Pennsylvania (Mr. Naylor) did not come within the decision of the House.

The question, therefore, the Chair considered to be on the resolution of the gentleman from Virginia.

Mr. Briggs said that this motion was general in its application, and applied to all the gentlemen whose seats were contested. At Mr. B.'s request, the resolution was read by the Clerk, amidst much noise and confusion.

The Chair said that he had announced the decision of the House, that the resolution was lost, and did not hear the report of the tellers that a member whose seat was contested had voted.

Mr. Dromgoole rose and stated that, as one of the tellers, he distinctly stated to the Chair, when he announced the vote, that Mr. Naylor, one of the gentlemen whose seat was contested, had voted. In this statement, Mr. D. was sustained by Mr. Davies, the other teller, by Mr. Smith of Maine, and several other gentlemen.

The Chair said that the question before the House, was the previous question on the resolution of the gentleman from Virginia.

Mr. Turney appealed from the decision of the Chair, as he considered that the first question to be decided was, whether Mr. Naylor's vote should be counted.

Mr. Weller moved an adjournment, and his question was taken; Messrs. Graves and Turney were appointed tellers and on counting the vote, they reported that there were— for the adjournment 116, against it 119; Messrs. Kille, Cogswell, and Ryall, members from New Jersey, whose seats are contested, voting in the affirmative, and Messrs. Halsted, Ayer, and York, similarly situated, voting in the negative.

The Chair then stated that the votes of the members whose seats were disputed, not varying the result; it was decided in the affirmative, and that

The House adjourned.

HOUSE OF REPRESENTATIVES.
Wednesday, December 11.

The question before the House, after the reading of the journal, was the right of Mr. Naylor to vote upon Mr. Rhett's motion to lay Mr. Wise's resolution upon the table.

The confused proceedings of yesterday led to the correction of the journal. The Clerk omitted to state that Mr. Naylor challenged the right of Mr. Smith to vote. Mr. Smith having before challenged the right of Mr. N. The journal was amended, when the Previous Question was put on the appeal from Mr. Adams's decision, that Mr. Naylor had a right to vote.

The previous question was put and seconded, and tellers were deputed upon the vote, according to the decision of the Chair should stand as the judgment of the House. The vote was as follows: Ayes 112.—Noes 118.

So Mr. Adams's decision was lost. Mr. Ingersoll, Mr. Naylor and a part of the New Jersey members—commissioned members and claimants—voted.

Mr. Johnson said that it was an outrage upon the Constitution not to count the vote of the member from Pennsylvania.

Mr. Adams said to the House thus early, the business becoming confused, that if each member would keep his seat there would be hopes of keeping order.

Mr. Wise moved that the House proceed to decide upon the right of Mr. Naylor of Pennsylvania to vote.

Mr. Ingersoll made an attempt to speak, he was called to order. He addressed the Chair once or twice, but was not suffered to proceed.

Mr. Curtis here moved an adjournment, which was not put by Mr. Adams.

Mr. Turney, of Tenn. made the remark that the sooner we get into a row the better.

Mr. Stanley of N. C. interrupted him by saying, if it has come to this that the House was to be made better by getting into a row, he could tell the gentleman from Tenn., that if there was to be a row, he was his man, eyeing Mr. Turney.

The scene of confusion was here so great that Mr. Curtis moved an adjournment of the House.

After much disorder, the Previous Question was put and seconded, upon Mr. Adams's decision that Mr. Naylor had a right to vote.

The question again came upon Mr. Naylor's right to vote. Mr. Naylor had his certificate of election read. While this document was reading, the Assembly for the first time were quiet.

Mr. Naylor asked the attention of the House to the Proclamation, which he read, from Governor Porter. Nine days before the Assembly met, Governor P. issued a certificate of election, announcing the return of Mr. Ingersoll.

Mr. Naylor rose and begged a hearing, but was not suffered to proceed—the House being divided, and the confusion very great. The reading of the law of Pennsylvania was called for.

Mr. Rives called for the reading of all the money. The election law of Pennsylvania was then read, when the vote was put to the House of