Papers of the War Department: 1784-1800

Filling Vacancies During a Senate Recess

Document Information

| Date       | May 7, 1799     |
| Author Name | James McHenry (primary) | Location: War Department |
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| Summary | Relays correspondence with Charles Lee, the Attorney General, on the question of a legislative act authorizing the President to fill vacancies in office while the Senate is not in session. Provides a list of recommendations for officer vacancies. |
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Sr.

Prisoners to my Tackling any fill

mate state relative to suggesting the names of
persons to Office, the bastardy act, the act of
quartermen, and engineers, in an act for the
organization of the forces in the U.S. and for vital
purposes, helped the B. of U.S. to avoid I thought it
necessary to submit to the Attorney General for
his opinion in regard thereto, The you receivd a
copy of his answer.

The Attorney General correspondence

an office created during a session of the house,
and not filled by appointment, by act of
the advice and consent of the Senate, and it
caused happening during the session, which in
practicable cannot from during the period, by the
house, and in lieu of the constitution, by
a legislative act of Congress in 1799. This
legislative act was passed in the 5th March
1799. It filled any act authorizing the President
to the U.S. forces certain warrants in the army
and navy for the compensation of those officers
in the army...