

NAYS—23.

Beck, Berry, Blackburn, Brown, Butler, Call, Camden,	Cockrell, Coke, Eustis, George, Gibson, Gorman, Gray,	Harris, Jackson, Jones of Arkansas, Kenna, Maxey, Morgan, Payne,	Pugh, Ransom, Riddleberger, Van Wyck, Voorhees, Walshall, Wilson of Md.
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ABSENT—16.

Bowen, Colquitt, Dolph, Fair,	Hampton, Jones of Florida, Jones of Nevada, McPherson,	Mitchell of Pa., Palmer, Pike, Saulsbury,	Sewell, Sherman, Vance, Vest.
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So the appeal was laid on the table.

The PRESIDENT *pro tempore*. The question now is on the adoption of the resolutions.

Mr. HARRIS. I ask for a division of the question, so that a vote may be taken on each resolution separately.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for a separate vote on each resolution. The first resolution will be read.

The Secretary read as follows:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

Mr. HARRIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BROWN (when Mr. COLQUITT'S name was called). I again announce the pair of my colleague [Mr. COLQUITT] with the Senator from Oregon [Mr. DOLPH] on all matters connected with these resolutions. Without announcing it further, I make this announcement once for all.

Mr. BUTLER (when Mr. HAMPTON'S name was called). I desire to announce now and for the remaining votes on these resolutions that my colleague [Mr. HAMPTON] is paired with the Senator from Pennsylvania [Mr. MITCHELL]. If my colleague were present, he would vote "nay."

Mr. TELLER (when the name of Mr. JONES, of Florida, was called). My colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES]. I announce it now once for all.

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL] upon all questions connected with these resolutions. If he were present, I should vote "nay." I shall not announce the pair again.

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired on this and all other questions connected with the resolutions with the Senator from North Carolina [Mr. VANCE]. I announce it now for all the other votes on these questions.

Mr. BLAIR (when Mr. PIKE'S name was called). My colleague [Mr. PIKE] is absent ill, paired with the Senator from Missouri [Mr. VEST]. If he were present, my colleague would vote "yea." I shall not make the announcement again.

Mr. COCKRELL. And if my colleague [Mr. VEST], who is detained from the Senate Chamber by sickness, were here, he would vote "nay" on all these resolutions. So I desire to have him recorded as in the negative on all of them.

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. If my colleague were here, he would vote "nay."

The roll-call was concluded.

Mr. INGALLS. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. BECK. I desire to announce that the Senator from Florida [Mr. JONES] is paired upon all these resolutions with the Senator from Colorado [Mr. BOWEN].

The result was announced—yeas 32, nays 26; as follows:

YEAS—32.

Aldrich, Allison, Blair, Cameron, Chace, Conger, Cullom, Dawes,	Edmunds, Evarts, Frye, Hale, Harrison, Hawley, Hoar, Logan,	McMillan, Mahone, Manderson, Miller, Mitchell of Oreg., Morrill, Platt, Plumb,	Sabin, Sawyer, Sherman, Spooner, Stanford, Teller, Van Wyck, Wilson of Iowa.
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NAYS—26.

Beck, Berry, Blackburn, Brown, Butler, Call, Camden,	Cockrell, Coke, Eustis, George, Gibson, Gorman, Gray,	Harris, Jackson, Jones of Arkansas, Kenna, Maxey, Morgan, Payne,	Pugh, Ransom, Voorhees, Walshall, Wilson of Md.
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ABSENT—17.

Bowen, Colquitt, Dolph, Fair, Hampton,	Ingalls, Jones of Florida, Jones of Nevada, McPherson, Mitchell of Pa.,	Palmer, Pike, Riddleberger, Saulsbury, Sewell,	Vance, Vest.
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So the first resolution was agreed to.

The PRESIDENT *pro tempore*. The next resolution will be read.

The Secretary read the second resolution, as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the

report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Mr. HARRIS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. INGALLS (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. CONGER (when Mr. PALMER'S name was called). I announced before the pair of my colleague [Mr. PALMER] with the Senator from North Carolina [Mr. VANCE], but I did not state how he would vote. On the former resolution and on this whole series of resolutions my colleague, if present, would vote "yea."

The roll-call was concluded.

Mr. MCPHERSON. I desire to state that my colleague [Mr. SEWELL] on these resolutions would vote "yea," and I should vote "nay." I am paired with him.

Mr. RANSOM. I should have stated that if my colleague [Mr. VANCE] was here he would vote "nay."

Mr. BROWN. I desire to make the same statement in reference to my colleague [Mr. COLQUITT], who is paired with the Senator from Oregon [Mr. DOLPH]. If he were present, on all these resolutions he would vote "nay," and I understand the Senator from Oregon would vote "yea."

The result was announced—yeas 32, nays 25; as follows:

YEAS—32.

Aldrich, Allison, Blair, Cameron, Chace, Conger, Cullom, Dawes,	Edmunds, Evarts, Frye, Hale, Harrison, Hawley, Hoar, Logan,	McMillan, Mahone, Manderson, Miller, Mitchell of Oreg., Morrill, Platt, Plumb,	Sabin, Sawyer, Sherman, Spooner, Stanford, Teller, Van Wyck, Wilson of Iowa,
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NAYS—25.

Beck, Berry, Blackburn, Brown, Butler, Call, Camden,	Cockrell, Coke, Eustis, George, Gibson, Gorman, Gray,	Harris, Jackson, Jones of Arkansas, Kenna, Maxey, Morgan, Payne, Pugh,	Ransom, Voorhees, Walshall, Wilson of Md.
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ABSENT—18.

Bowen, Colquitt, Dolph, Fair, Hampton,	Ingalls, Jones of Florida, Jones of Nevada, McPherson, Mitchell of Pa.,	Morgan, Palmer, Pike, Riddleberger, Saulsbury,	Sewell, Vance, Vest.
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So the second resolution was agreed to.

The PRESIDENT *pro tempore*. The third resolution will be reported.

The Secretary read the resolution, as follows:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers, the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Mr. GRAY. I rise to a point of order. I understood the Chair to rule on the point of order before taken that the amendment offered by the Senator from Nebraska was relating to executive business, and possibly contravening a rule of the Senate which can not be changed except on one day's notice. I make now a point of order in the same line, that this resolution, inasmuch as it undertakes to deal with nominations made to the Senate by the Executive *en masse*, by declaring that it is the duty of the Senate to refuse to advise and consent to a certain class of nominations, is within the objection made in reference to the amendment offered by the Senator from Nebraska; and therefore it is out of order. In other words, we are attempting to do in open session, without notice, precisely what belongs to the executive session, and to repeal or to abrogate a rule of the Senate by declaring beforehand that it is the duty of the Senate to refuse its advice and consent to a certain class of nominations. I can not see wherein the difference lies between refusing the advice and consent to nominations in a lump and refusing the advice and consent of the Senate to nominations in detail. I therefore make the point of order that this is in contravention of the rules of the Senate in regard to executive business and in substance making a new rule.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that the point of order is not well taken. The resolution is simply a declaration of opinion adopted in the form of a resolution, and does not change in the slightest degree the mode of proceeding or action of the Senate in executive session or in public session. It is simply a declaration of opinion of the Senate. Therefore the Chair is compelled to overrule the point of order. Does the Senator take an appeal?

Mr. GRAY. With all respect I take an appeal from the decision of the Chair, and ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Delaware appeals from the decision of the Chair and asks for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I did not intend to take any further part in this debate; but inasmuch as this resolution is to be adopted, and to apply to