ing the Army; 20 tickets to the private secretary of the President of the United States, for the use of the President; and 60 tickets shall be issued by the President pro tempore of the Senate to the reporters of the press. The residue of the tickets to be issued shall be distributed among the Members of the Senate in proportion to the representation of their respective States in the House of Representatives, and the seats now occupied by the Senators shall be reserved for them.

PROCEEDINGS OF THE SENATE SITTING FOR THE TRIAL OF THE IMPEACHMENT OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES.

THURSDAY, MARCH 5, 1868.

The United States v. Andrew Johnson, President.

The Senate sitting for the trial of Andrew Johnson, President of the United States, upon articles of impeachment exhibited against him by the House of Representatives,

The Chief Justice of the United States entered the Senate Chamber and was conducted to the chair by the committee appointed by the

Senate for that purpose.

By direction of the Chief Justice the following oath was administered to him by Mr. Justice Nelson, the senior associate justice of the Supreme Court of the United States:

I do solemnly swear that in all things appertaining to the trial of the impeachment of Andrew Johnson, President of the United States, now pending, I will do impartial justice according to the Constitution and laws. So help

The Chief Justice then took the chair and administered the same oath to the following Senators separately, as their names were called

by the Secretary, to wit:

Messrs. Anthony, Bayard, Buckalew, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Davis, Dixon, Drake, Ferry, Fessenden, Fowler, Frelinghuysen, Grimes, Harlan, Henderson, Hendricks, Howard, Howe, Johnson, McCreery, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Norton, Nye, Patterson of Tennessee, Pomeroy, Ramsey. Ross, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Trumbull, and Van Winkle.

When the name of Mr. Wade was called Mr. Hendricks rose and submitted to the Senate the question whether Mr. Wade, being the President of the Senate pro tempore, and by law made the successor to the office of President of the United States, in case the articles of impeachment exhibited by the House of Representatives against Andrew Johnson should be sustained, was competent to sit as a member of the court upon the trial of the impeachment of the President of the United States.

After debate,

Mr. Johnson moved that in administering the oath to Senators the name of the Senator from Ohio, Mr. Wade, be omitted in the call until the remaining names on the roll shall have been called.

After further debate,

On motion by Mr. Grimes, at 4.30 o'clock p. m., the Senate, sitting as aforesaid, adjourned to meet at 1 o'clock p. m. to-morrow.



## FRIDAY, MARCH 6, 1868.

The United States v. Andrew Johnson, President.

At 1 o'clock p. m. the Chief Justice of the United States entered

the Senate Chamber and resumed the chair.

The Chief Justice stated that the question before the Senate was the motion submitted yesterday by Mr. Johnson, that in administering the oath to Senators the name of the Senator from Ohio, Mr. Wade, be omitted in the call until the remaining names on the roll shall have been called.

Mr. Howard rose to a question of order, and, being requested by the Chief Justice to reduce his point of order to writing, presented it to the Chair in the following words:

That the objection raised to the administering the oath to Mr. Wade is out of order, and that the motion of the Senator from Maryland to postpone the administering the oath to Mr. Wade until other Senators are sworn in is also out of order under the rules adopted by the Senate on the 2d of March instant, and under the Constitution of the United States.

The Chief Justice submitted the question of order to the decision of the Senate.

Mr. Dixon rose and was proceeding to debate the question of order, when he was called to order by Mr. Drake, on the ground that the question of order should be decided without debate.

The Chief Justice decided that the question of order, having been

submitted to the Senate for its decision, was debatable.

While Mr. Dixon was proceeding in his remarks upon the question

of order,

Mr. Howard raised a question of order, viz: That it was not in order for the Senator from Connecticut to debate the question, under the 23d rule adopted by the Senate on the 2d instant, which provides that all the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate.

The Chief Justice decided that the 23d rule did not apply while the Senate was in process of organization for the trial of an impeachment, and overruled the question of order raised by Mr. Howard.

From this decision of the Chief Justice Mr. Drake appealed to

the Senate; and

On the question, Shall the decision of the Chief Justice stand as the judgment of the Senate?

It was determined in the affirmative,  $\begin{cases} Yeas = 24 \\ Nays = 20 \end{cases}$ 

On motion of Mr. Ferry,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Anthony, Buckalew, Corbett, Davis, Dixon, Fessenden, Fowler, Frelinghuysen, Grimes, Henderson, Hendricks, Johnson, McCreery, Morrill of Maine, Norton, Patterson of Tennessee, Pomeroy, Ross, Saulsbury, Sherman, Sprague, Van Winkle, Willey, Williams.

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