

Chapter CLXI.¹

IRREGULAR CREDENTIALS.

1. House exercises discretion in case of informality. Section 89.

89. An instance wherein the House gave prima facie effect to credentials irregular in form against which a technical question had been raised.

The credentials of a Member elect having been challenged, the Speaker submitted the question to the House.

On June 2, 1930,² Mr. John N. Garner, of Texas, presented the credentials of Mr. Thomas L. Blanton, a Representative elect from the State of Texas, and requested that he be sworn in.

Mr. Robert H. Clancy, of Michigan, objected on the ground that the credentials were not in proper form in that they certified to the election of Mr. Blanton as "Congressman," when the legal designation is "Representative in Congress."

By direction of the Speaker³ the Clerk read the credentials, as follows:

CERTIFICATE OF ELECTION.

THE STATE OF TEXAS,
DEPARTMENT OF STATE,
Austin.

This is to certify that at a special election held in the State of Texas for Representative in Congress from the seventeenth congressional district, composed of the following counties: Burnet, Llano, Comanche, McCulloch, San Saba, Lampasas, Mills, Brown, Coleman, Callahan, Eastland, Stephens, Shackelford, Jones, Palo Pinto, Taylor, Nolan, Concho, and Runnels, on the third Tuesday in May, A. D. 1930, being the 20th day of said month, Thomas L. Blanton, having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as Congressman for the State of Texas to fill the unexpired term of the late Ron. R. Q. Lee.

In testimony whereof I have hereunto subscribed my name and caused the seal of state to be affixed at the city of Austin on this 31st day of May, A. D. 1930.

[SEAL.]

By the Governor:

DAN MOODY, *Governor of Texas.*

JANE Y. MCCALLUM,
Secretary of State.

¹Supplementary to Chapter XIX.

²Second session Seventy-first Congress, Journal p. 13; Record, p. 10312.

³Nicholas Longworth, of Ohio, Speaker.

Mr. Garner renewed his demand that the oath be administered, maintaining that the certificate should be construed in its entirety; that it named the district and enumerated the counties composing the district, and was incapable of misinterpretation.

The Speaker said:

The Chair is prepared to express his opinion on this matter. There is sufficient ground here for contending that this certificate is not without fault, because it has used the word "Congressman," which is never used, and which has never been used, so far as the Chair knows, in swearing in a Member. The Clerk informed the Chair this morning that on a number of occasions he has returned certificates to Texas, where the word "Congressman" was used, and when the correction was made and the certificate was returned here the Member was sworn in as a Representative in Congress. So far as the Chair knows, no man has ever taken the oath as "Congressman" but only as "Representative in Congress." Under the circumstances, however, the Chair would not undertake to assume the responsibility of refusing administration of the oath to any person where the certificate was no more to be criticized than this. However, the Chair thinks that is a matter for the House to determine. Section 5 of Article I of the Constitution says:

"Each House shall be the judge of the elections, returns, and qualifications of its own Members."

Under the circumstances the Chair will put the question to the House. Does the House desire that the Chair shall administer the oath of office to the gentleman from Texas?

The question being taken, it was decided in the affirmative and Mr. Blanton appeared before the bar and took the oath.