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(1) By the House.

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(1) Motions to proceed to.
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(3) Failure or postponement of.
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(5) Of the Speaker.—Clerk presides during.
(6) Of the Speaker.—Motions to proceed to.
(7) Of the Speaker.—By viva voce vote or ballot.
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(9) Of the Speaker.—Debate, tellers, etc.
(10) Of the Speaker.—In relation to oath.
(11) Of Speaker pro tempore and President pro tempore.
(12) Of the Clerk.
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The House often proceeds to the election of its officers as a matter of course without motion to that effect. Volume **I,** Section **190.**

An officer of the House having resigned, the House voted to proceed to the election of his successor. Volume **I,** sections **264, 265.**

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Although a former rule of the House required a nomination before voting for certain officers, yet the Speaker refrained from ruling that votes might not be cast for persons not nominated. Volume **I,** section **197.**

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The election of an officer of the Senate may be by ballot, by roll call, or by resolution. Volume **VI,** section **282.**

The election of an officer of the Senate is privileged and unless otherwise ordered by the Senate, balloting continues until a majority is obtained. Volume **VI,** section **281.**

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(3) Failure or Postponement of

An instance wherein certain officers of the former House continued to act through the new Congress, no successors being elected. Volume **I,** section **244.**

Instance wherein the House failed to elect a Doorkeeper and Postmaster, the Officers of the preceding House continuing to serve. volume **I,** section **193.**

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It has been held in order to more to postpone indefinitely the further execution of an order relating to the election of officers of the House having been postponed to a day certain the Speaker ruled out a motion providing for their earlier election. Volume **V,** section **5308.**

The contest over the election of Speaker in 1923. Volume **VI,** section **24.**

(4) Notification of Senate and President.

In recent years all the officers have been elected before the President and Senate have been informed of the organization. Volume **I,** sections **194–196.**

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The President and the Senate were informed of the election of a Speaker pro tempore. Volume **VI,** section **275.**

(5) Of the Speaker.—Clerk Presides During.

A rule, which however is not operative at the time the House is organized, provides that the Clerk shall call the new House to order and preside until the election of a Speaker. Volume **I,** section **64.**

By a rule which is not adopted usually until a Speaker is elected, the Sergeant-at-arms is directed to preserve order, under the direction of the Clerk, pending the election of a Speaker or Speaker pro tempore. Volume **I,** section **257.**

Pending the election of a Speaker or a Speaker pro tempore the Clerk preserves order and decorum and decides questions of order, subject to appeal. Volume **I,** section **64.**

The Speaker having resigned, the chair remained vacant and the Clerk presided until a successor was elected. Volume **I,** section **231.**

The speaker having died during the recess of Congress, the Clerk called the House to order ascertained the presence of a quorum, and entertained a motion to proceed to election of a Speaker. Volume **I,** section **234.**

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During the interim preceding the election of speaker and adoption of rules the Journal of the proceedings is read and approved daily. Volume **VI,** section **623.**

(6) Of the Speaker.—Motions to Proceed to.

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The House, and not the hold-over Clerk, decides by what method it shall proceed to elect a Speaker. Volume **I,** section **210.**

ELECTIONS OF OFFICERS OF THE HOUSE AND SENATE—Continued

(7) Of the Speaker—By Viva Voce Vote or Ballot.

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Although always at liberty to choose its manner of electing a Speaker, the House has declined in later years, to substitute balloting for viva voce choice. Volume **I,** sections **204–208.**

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Procedure for electing the Speaker by viva voce vote. Volume **I,** section **211.**

A Speaker being elected by ballot, the Journal should show not only the fact but the state of the ballot or ballots. Volume **IV,** section **2832.**

(8) Of the Speaker.—Majority Vote Required.

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In 1879 it was held that a Speaker might be elected by a majority of those present, a quorum voting, a majority of all the Members not being required. Volume **I,** section **216.**

The House by special rule chose a Speaker by plurality of votes, but confirmed the choice by a majority vote on a resolution declarative of the result. Volume I, section **222.**

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Before the election of a Speaker the House has adopted a rule regulating debate. Volume **I,** sections **94, 95.**

In 1860 the election of a Speaker proceeded slowly, the voting being interspersed with debate, which the Clerk did not prevent. Volume **I,** section **223.**

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(10) Of the Speaker.—In Relation to Oath.

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(11) Of Speaker pro tempore and President pro tempore.

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ELECTIONS OF OFFICERS OF THE HOUSE AND SENATE—Continued.

(11) Of Speaker pro tempore and President pro tempore—Continued.

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The Clerk of the former House continues to act as Clerk of the new House until his successor is elected. Volume **I,** section **244.**

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The Clerk having resigned, the House, after some intervening business, elected his successor. Volume **I,** section **239.**

The Clerk having resigned, the House elected his successor. Volume **I,** section **238.**

(13) Of the Other Officers.

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ELECTIONS OF PRESIDENT OF THE UNITED STATES.

(1) Appointment of the electors, and their votes.

(2) The electoral count.

(3) By the House of Representatives.—Provisions of the Constitution.

(4) By the House of Representatives.—In 1801.

(5) By the House of Representatives.—In 1825.

(1) Appointment of the Electors, and Their Votes.

The provisions of the Constitution relating to the appointment of Presidential electors. Volume **III,** section **1911, 1912.**

The statutes designate the time for the choice of electors of President and Vice-President, and the time for their meeting to give in their votes. Volume **III,** section **1914.** Volume **VI,** section **438.**

Provisions of the Constitution for the choice of a President and Vice-President by the electors, for the electoral count, and for elections in House and Senate in default of a choice by the electors. Volume **III,** section **1913.**

ELECTIONS OF PRESIDENT OF THE UNITED STATES—Continued.

(1) Appointment of the Electors, and Their Votes—Continued.

The statues provide for transmitting the certificates of the action of the electors in each State to the President of the Senate. Volume **III,** section **1916.** Volume **VI,** section **440.**

Certificates of the votes of the electors in the several States for President and Vice-President are transmitted to the President of the Senate, who may in case of delay send for them. Volume **III,** section **1917.** Volume **VI,** section **441.**

The executive of each State is charged with the duty of transmitting to the Secretary of State of the United States a certificate of the appointment of electors and the names and votes, and of delivering a similar certificate to the electors. Volume **III,** section **1915.** Volume **VI,** section 439.

It is the duty of the executive of any State wherein there may be a controversy as to the appointment of electors to transmit to the Secretary of State of the United States a certificate of the determination thereof. Volume **III,** section **1915.** Volume VI, section **439.**

The Secretary of State is required to transmit to Congress copies of certificates received from the State executives relating to the appointment of Presidential electors. Volume **III,** section **1915.** Volume **VI** section **439.**

A controversy in any State over the appointment of Presidential electors settled in accordance with a law of that State six days before the time for the meeting of the electors shall not be a cause of question in the counting of the electoral vote by Congress. Volume **III,** section **1914** Volume **VI,** section **438.**

The Secretary of State having failed to receive from a State a separate certificate of the final ascertainment of electors, transmitted in lieu thereof a photostat copy which had been appended to the certificate of the electors; and subsequent to the counting of the electoral vote forwarded to the Senate the missing certificate which was substituted for the photostat copy on file. Volume **VI,** section **445.**

The rule gives to the Committee on Election of President, Vice-President, and Representatives in Congress jurisdiction of subjects relating to the election of the officials enumerated in the designation. Volume **IV,** section **4299.** Volume **VII,** section **2025.**

(2) The Electoral Count.

The conduct of the electoral count is frequently a matter of perfunctory routine. Volume **VI,** section **442.**

Neither house recesses or adjourns for the electoral count. Volume **VI,** section **444.**

The electoral count occurs in the Hall of the House at 1 p. m. on the second Wednesday of February succeeding every meeting of electors. Volume **III,** section **1918.**

The two Houses by concurrent resolution provide for the meeting to count the electoral vote, for the appointment of tellers, and for the declaration of the state of the vote. Volume **III,** section **1961.**

The two Houses by concurrent resolution provided for the meeting to count the electoral vote. Volume **VI,** section **443.**

The date for the count of the electoral vote falling on Calendar Wednesday, the House by resolution provided for a recess on that day. Volume **VI,** section **445.**

The usage as to preliminary messages between the two Houses when they are about to assemble in joint meeting for the count of the electoral vote (footnote). Volume **III,** section **1961.**

While the Speaker has at times appointed the tellers for the electoral count as of his own authority, yet the best-considered opinion is that the function belongs to the House itself (footnote). Volume **III,** section **1961.**

In 1921 the provision authorizing the naming of tellers, which on the occasion of the electoral counts of 1909, 1913, and 1917 had been incorporated in separate resolutions, was included in the original resolution providing for the joint session. Volume **VI,** section **443,**

Instance in which a teller resigned and suggested the appointment of a successor. Volume **VI,** section **446.**

ELECTIONS OF PRESIDENT OF THE UNITED STATES—Continued.

(2) The Electoral Count—Continued.

The House by resolution makes a special disposition of the galleries for the electoral count. Volume **III,** section **1961.**

In the absence of the customary resolution relating to disposition of the galleries during the electoral count, the usual reservations were made by the direction of the Speaker. Volume **VI,** section **443.**

The certificates of electoral votes are presented to the joint meeting in alphabetical order of States, and on being read are subject to objection in writing signed by at least one Member and one Senator. Volume **III,** section **1918.**

In case of objection to an electoral certificate, or in case of conflicting certificates, the Senate retires and the two Houses consider the matter separately. Volume **III,** section **1918.**

When the two Houses separate to pass on a question arising during the electoral count, there may be two hours of debate, each Member or Senator being confined to five minutes. Volume **III,** section **1922.**

At the conclusion of the electoral count the President of the Senate merely announces the state of the vote, which, with the list of the vote, which, with the list of the votes, is entered on the journals of the two Houses. Volume **III,** section 1918.

The report by tellers is made and signed in duplicate, and is entered upon the Journal of each of the two Houses. Volume **VI,** section **444.**

Form of the duplicate reports made by the tellers at the electoral count. Volume **VI,** section **443.**

Senators who had been candidates for the office of Vice President in the election did not attend the joint session for the count of the electoral vote. Volume **VI,** section **445.**

(3) By the House of Representatives.—Provisions of the Constitution.

The Constitution provides that in cases there be no choice of a President of the United States by the Electoral College the House of Representatives shall proceed to elect. Volume **III,** section **1913.**

Provisions of the Constitution governing proceedings of the House in electing a President. Volume **III,** section **1981.**

When the House elects a President of the United States a quorum consists of a number of Members from two-thirds of the States. Volume **III,** section **1981.**

(4) By the House of Representatives.—In 1801.

The election of a President of the United States by the House in 1801. Volume **III,** section **1983.**

There being no choice in the Electoral College in 1801 the House of Representatives proceeded to elect a President of the United States. Volume **III,** section **1983.**

Rules adopted in 1801 for the election of a President of the United States by the House of Representatives. Volume **III,** section **1982.**

At the election of a President of the United States by the House in 1801 no adjournment was taken during the ballotings, which lasted with postponements for several days. Volume **III,** section **1983.**

While the House was balloting for the election of a President of the United States in 1801 the Speaker signed enrolled bills, and messages were received but not acted on (footnote). Volume **III,** section **1983.**

(5) By the House of Representatives.—In 1825.

The election of a President of the United States by the House in 1825. Volume **III,** section **1985.**

The Electoral College having failed to choose a President of the United States in 1825 the House proceeded to elect in accordance with the Constitution. Volume **III,** section **1938.**

ELECTIONS OF PRESIDENT OF THE UNITED STATES—Continued.

(5) By the House of Representatives—In 1825—Continued.

The rules adopted by the House to govern the voting for the President of the United States when the election was thrown into the House by the failure of the Electoral College to make a choice in 1825. Volume **III,** section **1984.**

In the election of President by the House in 1825 the prevailing sentiment favored a ballot box for each State. Volume **III,** section **1984.**

In the election of President by the House in 1825 there was a strong but not prevailing sentiment that the galleries should not be closed. Volume **III,** section **1984.**

The House having elected a President in 1825 ordered that the Senate be informed, and appointed a committee to notify the President-elect. Volume **III,** section **1985.**

ELECTIONS OF PRESIDENT, VICE-PRESIDENT, AND REPRESENTATIVES IN CONGRESS, COMMITTEE ON.

The creation and history of the Committee on the Election of President, Vice-President, and Representatives in Congress. Section 37 of Rule **XI.** Volume **IV,** section **4299.**

Recent history of the Committee on Election of President, Vice President, and Representatives in Congress, section 31 of Rule **XI.** Volume **VII,** section **2023.**

The rule gives to the Committee on Election of President, Vice-President, and Representatives in Congress jurisdiction of subjects relating to the election of the officials enumerated in the designation. Volume **IV,** section **4299.**

Legislative propositions pertaining to the nomination of the President, Vice President, and Representatives in Congress are within the jurisdiction of the Committee on Election of President, Vice President, and Representatives in Congress. Volume **VII,** section **2025.**

Subjects relating to the succession of the office of President in case of his death, disability, etc., have been within the jurisdiction of the Committee on Election of President, Vice-President, and Representatives in Congress. Volume **IV,** section **4304.**

Proposed changes of the Constitution as to the terms of Congress and the President, and the time of annual meeting of Congress, have been considered by the Committee on Election of President, Vice-President, and Representatives in Congress. Volume **IV,** section **4302.** Volume **VII,** section **2026.**

The Committee on Election of President, Vice-President, and Representatives in Congress has reported proposed constitutional amendments providing for election of Senators by the people and the disqualifications of polygamists as Representatives. Volume **IV,** section **4300.**

The Committee on Election of President, Vice-President, and Representatives in Congress has reported bills relating to the national election laws and the enforcement thereof. Volume **IV,** section **4301.**

Changes in the law regarding the electoral count and resolutions regulating the actual count by the House and Senate are within the jurisdiction of the Committee on Election of President, Vice-President, and Representatives in Congress. Volume **IV,** section **4303.** Volume **VII,** section **2028.**

The Committee on Election of President, Vice President, and Representatives in Congress has reported legislative positions relating to publicity of campaign contributions made for the purpose of influencing elections. Volume **VII,** section **2024.**

The Committee on Election of President, Vice President, and Representatives in Congress has reported on bills relating to contests of election of Representatives in Congress. Volume **VII,** section **2027.**

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(1) In general.

(2) Abatement of contests.—Withdrawal of contestant.

(3) Abatement of contests.—Neglect of contestant.

(4) Abatement of contests.—By action of returned member.

(5) Abatement of contests.—General conditions.

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(8) Answer.—Of an arraigned witness.—Form, etc.
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(13) Answer.—Of an arraigned witness.—Questions and examination.
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(17) Answer.—In election cases.—Specially authorized.
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(421) Cases by States.—Alabama.
(422) Cases by States.—Arkansas.
(423) Cases by States.—California.
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(449) Cases by States.—North Carolina.
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(451) Cases by States.—Ohio.
(452) Cases by States.—Oklahoma.
(453) Cases by States.—Oregon.
(454) Cases by States.—Pennsylvania.
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(456) Cases by States.—South Carolina.
(457) Cases by States.—Tennessee.
(458) Cases by States.—Texas.
(459) Cases by States.—Utah.
(460) Cases by States.—Vermont.
(461) Cases by States.—Virginia.
(462) Cases by States.—West Virginia.

ELECTIONS OF REPRESENTATIVES—Continued.

(463) Cases by States.—Wisconsin.

(464) Cases by States.—Wyoming.

(465) Cases from the Territories.—Alaska.

(466) Cases from the Territories.—Dakota.

(467) Cases from the Territories.—Hawaii.

(468) Cases from the Territories.—New Mexico.

(469) Cases from the Territories.—In general.

(1) In General.

Instances wherein Members have been reelected to fill the vacancies occasioned by their own resignations. Volume **II,** sections **1210–1212.**

A vote being given viva voce at an election for Congressman, the voter may not afterwards change it or vote for additional officers. Volume **I,** section **781.**

The law of 1911 provides that candidates for Representative to be elected at large shall be nominated in the same manner as candidates for governor, unless otherwise provided. Volume **VI,** section **47.**

Where the law requires a vote by ballot, an election viva voce is not permissible and is a reason for rejection of the returns. Volume **I,** section **773.**

Discussion as to use of proxies at meeting of political executive committees. Volume **II,** section **1117.**

As to the use of a voting machine in one city of a district. Volume **II,** section **1107.**

(2) Abatement of Contest.—Withdrawal of Contestant.

Instance wherein, during the taking of testimony, a contestant put in an attested notice of his withdrawal. Volume **I,** section **745.**

Instance wherein a contestant went before the Elections Committee and announced his withdrawal from the contest. Volume **I,** sections **746, 747.**

Instance wherein returned Member, while a contest was pending in committee, stated to the House that he was not elected. Volume **I,** section **742.**

The contestant having announced by letter the abandonment of his contest, the papers were laid on the table. Volume **VI,** section **119.**

Instance of the withdrawal of an election contest by letter from the contestant. Volume **I,** section **739.**

Instance of abandonment of a contest by notification from contestant to the committee. Volume **I,** section **740.** Volume **VI,** section **120.**

Instance wherein the contestant entered into a written stipulation conceding the election of contestee. Volume **VI,** section **118.**

Instance wherein a contestant was granted leave to withdraw. Volume **II,** section **974.**

The House sometimes determinates an election case by permitting the contestant to withdraw his case. Volume **II,** section **967.**

Form of resolution permitting a contestant to withdraw his case. Volume **II,** section **967.**

Instance wherein an unsuccessful contestant for a seat in the Senate was permitted to withdraw his credentials. Volume **I,** section **352.**

The contestant having announced to the committee his abandonment of the contest, the House confirmed the title of sitting Member. Volume **I,** section **748.**

The contestant having withdrawn from the contest by letter duly certified, the committee reported a resolution confirming the title of the sitting Member. Volume **VI,** section **176.**

The contestant having conceded the election of the contestee, the House confirmed the title of the sitting Member. Volume **VI,** section **118.**

The contestant having withdrawn from the contest, the committee reported a resolution confirming the right of the incumbent to his seat. Volume **VI,** section **167.**

It being demonstrated to the Elections Committee that contestant had withdrawn, the House confirmed the title of sitting Member. Volume **I,** section **743.**

ELECTIONS OF REPRESENTATIVES—Continued.

(2) Abatement of Contest.—Withdrawal of Contestant—Continued.

The contestant having withdrawn, the House passed a resolution confirming the title of sitting Member. Volume **I,** section **745.**

A contestant having withdrawn his contest and accepted an office incompatible with membership, the House confirmed the title of sitting Member. Volume **I,** section **746.**

Testimony being taken after the legal time against returned Member's protest, but under color of a disputed oral agreement of counsel, the House declined to dismiss the contest. Volume **II,** section **1003.**

Instance wherein, pending decision on an election case, the sitting Member resigned for a new appeal to the people. Volume **I,** section **805.**

By a letter presented and read to the Senate a contestant withdrew his claim to a seat after the committee had reported in his favor. Volume **I,** section **631.**

(3) Abatement of Contest.—Neglect of Contestant.

A contestant giving no notice of contest, as required by law, and taking no testimony, the House without further examination confirmed returned Member's title. Volume **II,** section **1073.**

A contestant having failed to produce testimony or respond to notification from the Elections Committee, the House confirmed the title of the returned Member. Volume **I,** section **755.**

A contestant being apparently unable to perfect his case, the committee recommended that he have leave to withdraw his contest without prejudice. Volume **I,** section **753.**

Contestant not having filed any testimony, the House confirmed the title of sitting Member. Volume **I,** section **754.**

The contestant failing to submit evidence substantiating charges made in his notice of contest, the House confirmed the title of the sitting Member. Volume **VI,** section **131.**

A contestant having failed to take or file testimony within the time required by law, the House without further examination confirmed returned Member's title. Volume **VI,** section **162.**

A contestant having procured no testimony in support of his petition the Elections Committee recommended his withdrawal. Volume **I,** section **749.**

A contestant having failed to prosecute his case according to law or to take testimony, the House dismissed the contest. Volume **I,** section **750.** Volume **VI,** section **178.**

The contestant having failed to respond to a notice to appear, the House dismissed the case. Volume **I,** section **751.**

The contestant having failed, through a series of adverse incidents, to produce testimony, the House on account of the lateness of the session, gave him leave to withdraw and confirmed the title of sitting Member. Volume **I,** section **752.**

A contestant having failed to file the brief required by law, the Elections Committee notified him to appear and show cause why his case should not be dismissed. Volume **I,** section **751.**

Contestant having ignored, without reason or excuse, the plain mandate of the law relative to time of taking testimony, was held to have no standing as a contestant before the House. Volume **VI,** section **116.**

The contestant having failed to prosecute his case according to law or to take testimony, the House took no further notice of his claim. Volume **VI,** section **178.**

Laches of contestant in prosecuting contest having rendered impossible the submission of final report by elections committee within time provided by rule of the House, the committee declined to consider the merits of the case and were discharged. Volume **VI,** section **164.**

Instance wherein the contestant having failed to file testimony, the case abated. Volume **VI,** section **178.**

Contestant failing to take testimony within time provided by law, the House discharged the committee from further consideration of the case. Volume **VI,** section **164.**

ELECTIONS OF REPRESENTATIVES—Continued.

(3) Abatement of Contest.—Neglect of Contestant—Continued.

The contestant failing to file a brief within the time required by the rules of the House, the committee construed the laches as an abandonment of the contest. Volume **VI,** section **168.**

Although a contestant declined to prosecute further, the House declined to let the case abate and concluded the inquiry. Volume **I**, section **734**.

(4) Abatement of Contest.—By Action of Returned Member.

Instance wherein the sitting Member appeared before the Elections Committee and orally conceded the election of contestant. Volume **I,** section **744.**

Instance wherein an election contest abated by resignation of sitting Member for a new appeal to the people. Volume **I,** section **805.**

The sitting Member having announced that he conceded the election of contestant, the House passed the usual resolutions for seating the contestant. Volume **I,** section **744.**

Sitting Member having resigned, the House did not regard it necessary formally to pass upon the question of his election. Volume **VI,** section **94.**

The sitting Member having appeared before the committee and conceded the election of the contestant and withdrawn all pleadings, the committee expurgated its findings of fraud and confined its report to the brief statement that the contestant was entitled to be seated. Volume **VI,** section **181.**

Returned Member having acknowledged to the House before the decision of the committee that contestant was elected, the House preferred to adopt the usual resolutions before seating contestant. Volume **I,** section **742.**

Instance wherein returned Member, while a contest was pending in committee, stated to the House that he was not elected. Volume **I,** section **742.**

(5) Abatement of Contest.—General Conditions.

The parties complaining of an undue election failing to present evidence, the House did not pursue the inquiry. Volume **I,** section **808.**

The House did not make critical examination in an election case wherein the petitioners were indifferent. Volume **I,** section **806.**

A Senator threatened with loss of his seat for bribery having resigned the proceedings abated. Volume **I,** section **693.**

Although a contestant had accepted and held a State office in violation of the State constitution if he were really elected a Congressman, the House did not treat his contest as abated. Volume **II,** section **1003.**

The Elections Committee asserted that it might proceed with an election case after the withdrawal of the contestant. Volume **I,** section **746**.

Payment of the expenses of a contestant by sitting Member on condition of the latter's withdrawal was not held as a corrupt obtaining of the seat. Volume **II,** section **901.**

The returned Member having died before the taking of testimony in a contest was completed, the House held that the contest did not therefore abate. Volume **I,** section **735.**

An election contest does not necessarily abate by reason of the death of contestant during the taking of testimony. Volume **I,** section **738.**

(6) Answer.—Notice of Contest.

A Member on whom has been served a notice of contest shall answer within thirty days of such service. Volume **I,** section **678.**

Failure of returned Member to answer notice of contest may not be taken as a confession of the truth of the allegations. Volume **II,** section **863.**

As to validity of an answer with no proof of service except an ex parte affidavit. Volume **II,** section **957.**

Where no resulting injury or moral obliquity is shown, failure to comply with the statutory requirements for filing of answer to notice of contest within stipulated time does not warrant exclusion from the House. Volume **VI,** section **76.**

ELECTIONS OF REPRESENTATIVES—Continued.

(6) Answer.—Notice of Contest—Continued.

Both the notice of contest and answer are required to present particular specifications. Volume **I,** section **678.**

The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I**, section **680**.

(7) Answer.—Of an Officer Arraigned at the Bar.

The Journal recorded the substance of the oral answer of an officer of the House arraigned at the bar for neglect of duty. Volume **I,** section **291.**

An officer of the House being arraigned for neglect of duty it was voted that he might answer orally. Volume **I,** section **291.**

Interrogation of an officer, required to answer at the bar of the House, must be authorized by motion and is limited to subjects specified in that motion. Volume **VI,** section **687.**

(8) Answer.—Of an Arraigned Witness.—Form, etc.

A person under arrest for contempt is arraigned before required to answer. Volume **III,** section **1685.**

A witness having, when arraigned for contempt, submitted an answer disrespectful to the House, he was ordered into custody for contempt. Volume **III,** section **1693.**

(9) Answer.—Of an Arraigned Witness.—In Writing.

When arraigned the witness Kilbourn submitted a written, unsworn answer which does not appear in the Journal. Volume **II,** section **1609.**

A person arraigned for contempt, submitted a statement in writing, which did not appear in full in the Journal. Volume **II,** section **1635.**

A contumacious witness arraigned at the bar of the House was required to answer in writing and under oath. Volume **III,** section **1670.**

In the Wolcott case the respondent, when arraigned, presented two answers, each in writing, sworn and subscribed, one of which appears in the Journal while the other does not Volume **III,** section **1671.**

Several persons arraigned at the bar together for contempt, made an answer in writing signed but not sworn to. Volume **III,** section **1698.**

Instance wherein the answer of a person arraigned for contempt was in writing but not sworn to and not recorded in the Journal. Volume **III,** section **1687.**

The answers at the arraignment in the Woolley case were in writing, and one was sworn to, but neither appears in the Journal. Volume **III,** section **1685.**

The written and sworn answer of a witness arraigned for neglecting a summons did not appear in the Journal. Volume **III,** sections **1674, 1675.**

A witness having responded orally when arraigned for contempt, it was required that the answer be in writing. Volume **III,** section **1684.**

(10) Answer.—Of an Arraigned Witness.—Oral.

Witnesses arraigned for contempt have frequently answered orally and not under oath. Volume **III,** section **1688.**

An instance wherein a witness arraigned for contempt was allowed to make an unsworn oral statement, which, in fact, was an argument as well as an answer. Volume **III,** section **1689.**

In the Irwin case the respondent, on being arraigned, made on oral unsworn answer, which does not appear in the Journal. Volume **III,** section **1690.**

A witness, arraigned for contempt, answered orally and without being sworn. Volume **III,** section **1701.**

A witness, arraigned at the bar for contempt, and having already submitted his written answers, was allowed by unanimous consent to make a verbal statement. Volume **III,** section **1686.**

A witness, arraigned at the bar of the House for contempt, was permitted to answer orally. Volume **III,** section **1669.**

ELECTIONS OF REPRESENTATIVES—Continued.

(11) Answer.—Of an Arraigned Witness.—Amendment of.

A person arraigned at the bar for contempt was permitted to amend his answer. Volume **III,** section **1696.**

A witness, arraigned for contempt, having in his answer questioned the power of the House, was permitted to file an amended answer, which was printed in full in the Journal. Volume **III,** section **1673.**

(12) Answer.—Of an Arraigned Witness.—Counsel of.

A witness, arraigned for contempt, was accompanied by his counsel, but his request that he be heard by counsel was granted only to the extent of being permitted to respond in writing. Volume **III,** section **1696.**

In an arraignment in 1877 the answer of the respondent prepared by his counsel was attested. Volume **III,** section **1696.**

Being arraigned for contempt, George F. Seward presented a written statement, signed by himself and counsel, but not attested, and this answer appears in full in the Journal. Volume **III,** section **1699.**

(13) Answer.—Of an Arraigned Witness.—Questions and Examination.

In the Stewart case the questions and answers at the examination were recorded in the Journal, the answers being oral and not under oath. Volume **III,** section **1689.**

In the Irwin case the questions which the respondent had declined to answer in committee were proposed to him again at the bar of the House. Volume **III,** section **1690.**

In the Irwin case the Journal does not record the responses of the witness to the questions put by the Speaker. Volume **III,** section **1690.**

A witness, arrested for contempt in refusing to answer, promised to respond, and was thereupon discharged and ordered before the committee. Volume **III,** section **1694.**

The parliamentary law provides that the answers of witnesses before the House shall not be written down, but such is not the rule before committees. Volume **III,** section **1768.**

In a trial at the bar of the House both questions to witnesses and their answers were reduced to writing, and appear in the Journal. Volume **III,** section **1668.**

(14) Answer.—In Election Cases.—General Requirements.

The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I,** section **680.**

A copy of the notice of contest and the answer in an election case are sent to the Clerk of the House with the testimony. Volume **I,** section **704.**

(15) Answer.—In Election Cases.—Form of.

Both the notice of contest and answer are required to present particular specifications. Volume **I,** section **678.**

The pleadings in an election case should be free from personalities. Volume **II,** section **938.**

(16) Answer.—In Election Cases.—Service of.

Where no resulting injury or moral obliquity is shown, failure to comply with the statutory requirements for filing of answer to notice of contest within stipulated time does not warrant exclusion from the House. Volume **VI,** section **76.**

(17) Answer.—In Election Cases.—Specially Authorized.

For exceptional reasons the House may authorize an election case to be made up as to notice and answer after the time prescribed by law. Volume **I,** section **680.**

Form of resolution providing for notice and answer in election case after expiration of time prescribed by law. Volume **I,** section **680.**

(18) Answer.—In Election Cases.—Defective and Amended.

Although there may be irregularities in pleadings and in taking testimony the committee sometimes examines an election case on the merits. Volume **I,** section **681.**

The Elections Committee has no authority to alter or suppress improper pleadings in the notice and answer. Volume **II,** section **1125.**

ELECTIONS OF REPRESENTATIVES—Continued.

(18) Answer.—In Election Cases.—Defective and Amended—Continued.

Instances wherein the Elections Committee condemned pleadings in notice and answer for irrelevant charges and insinuations. Volume **II,** section **1125.**

The pleadings in both the notice and answer being bad, the committee condemned them, but examined the case. Volume **II,** section **850.**

Instances wherein the House permitted amended notices of contest to be filed, with right to file amended answers. Volume **I,** section **683.**

An amended notice of contest having been filed by contestant was answered by contestee. Volume **VI,** section **160.**

(19) Answer.—In Election Cases.—Relation to Irregularities of Notice.

A contestee by answering without taking exceptions waives objections to the sufficiency of the notice of the contest. Volume **II,** section **855.**

By answering a notice of contest served before the declaration of the result, the sitting Member was held to have waived the informality. Volume **II,** section **852.**

(20) Answer.—In Election Cases.—Relation to Evidence.

Testimony in an election case must be taken within ninety days from the service of the answer of the returned Member. Volume **I,** section **697.**

Evidence is not admitted on a point as to which there was a total failure to plead in the answer. Volume **II,** section **934.**

Where contestant offered evidence not specified in the notice of contest and the answer was not served within the legal time, the House still considered all the evidence. Volume **II, section 1052.**

The committee considered an issue covered by testimony admitted without objection, although not specified in the pleadings. Volume **II,** section **850.**

Although an uncertified return was rejected by the State canvassers, the House counted it, sitting Member not having denied in his answer that the vote was cast as claimed by contestant. Volume **II,** section **960.**

(21) Answer.—In General.

A person under examination at the bar was allowed to state his reasons why he should not answer a question, and also to have entered on the Journal a statement. Volume **II,** section **1633.**

The written answer of a Senator to charges made against him was returned by the Senate because it contained irrelevant matter. Volume **II,** section **1264.**

(22) Apportionment.—Provisions of Constitution and Law.

The Constitution provides that Representatives shall be apportioned among the several States according to their respective numbers, excluding Indians not taxed. Volume **I,** section **301.**

The reduction of its representation is the penalty for a denial of the right to vote by a State. Volume **I,** section **301.**

No penalty is fixed for a denial of the right of suffrage because of rebellion or other crimes. Volume **I,** section **301.**

The number of Representatives may not exceed one for every 30,000 inhabitants, but each State shall have at least one Representative. Volume **I,** section **301.**

Discussion of the constitutional questions relating to apportionment. Volume **I,** section **316.**

The enumeration to fix the basis of representation is to be made once in every ten years (footnote). Volume **I,** section **301.**

The apportionment of Representatives to the several States under the act of 1901. Volume **I,** section **302.**

From March 3, 1903, the membership of the House is fixed at 386. Volume **I,** section **302.**

The law of 1911 provides that Representatives shall be elected in districts composed of contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants. Volume **VI,** section **44.**

ELECTIONS OF REPRESENTATIVES—Continued.

(22) Apportionment.—Provisions of Constitution and Law—Continued.

The districts in a State shall be equal to the number of its Representatives, no one district electing more than one Representative. Volume **I,** section **303.** Volume **VI,** section **44.**

The apportionment of 1901 provided for the election of Representatives in old districts and at large until the respective States should have rearranged the districts. Volume **I,** section **304.**

The law of 1911 provides for the election of Representatives in old districts and at large until the respective States shall have rearranged the districts. Volume **VI,** section **46.**

Discussion of the census and apportionment law of 1850 which applied to succeeding censuses and apportionments. Volume **I,** section **314.**

The distribution of representation under the several apportionments (footnote). Volume **I,** section **301.** Volume **VI,** section **39.**

On failure of the Congress to apportion, the Clerk certifies to each State executive the number of Representatives to which the State is entitled under the law. Volume **VI,** section **43.**

Bills providing for the reapportionment of Representatives in Congress have been referred to the Union Calendar. Volume **VIII,** section **2396.**

To a bill providing for reapportionment of Representatives in Congress an amendment authorizing redistricting of States in accord with such apportionment is not germane. Volume **VIII,** section **2996.**

The constitutional provision authorizing an apportionment act based upon each succeeding census is not mandatory, but such enactments are discretionary with Congress. Volume **VI,** section **54.**

The House denied the claim of a State to representation greater than the apportionment had given her when the reasons for such claim applied to many other States. Volume **VI,** section **54.**

Credentials being in regular form and unimpeached, the House honors them, although there may be a question as to the proper limits of the constituency. Volume **I,** sections **535, 536.**

A State sending three Representatives when it was entitled to but two, the House gave prima facie effect to only two credentials. Volume **I,** section **314.**

The House did not give prima facie effect to credentials regular in form, but borne by a person in addition to the number of Representatives allowed the State. Volume **I,** section **315.**

The representation of a newly admitted State is in addition to the total number of Representatives fixed by the act of 1901. Volume **I,** section **302.**

References to discussions of questions relating to apportionment (footnote). Volume **I,** section **301.**

A bill making an apportionment of Representatives presents a question of constitutional privilege. Volume **I,** sections **307, 308.**

The rule confers on the Committee on the Census jurisdiction of "all proposed legislation concerning the census and the apportionment of Representatives." Volume **IV,** section **4351.**

After the division of Virginia the House recognized a division of the old representation between the two States without specific provisions of law. Volume **I,** section **318.**

The House declined to give prima facie effect to credentials regular in form relating to a seat in addition to those to which the State was entitled. Volume **I,** section **318.**

The apportionment of Representatives to the several States under the law of 1929. Volume **VI,** section **41.**

Under the law of 1929 the President transmits to each fifth Congress a statement of population and apportionment of existing number of Representatives among the several States thereunder. Volume **VI,** section **41.**

Statement of population and apportionment thereunder submitted to the Seventy-first Congress, and form of message transmitting it. Volume **VI,** section **42.**

ELECTIONS OF REPRESENTATIVES—Continued.

(22) Apportionment.—Provisions of Constitution and Law—Continued.

If Congress fails to apportion, each State shall be entitled to the number of Representatives shown in the President's statement under the method last used. Volume **VI,** section **43.**

Form of the first certificate of notification under the law of 1929. Volume **VI,** section **43.**

Interpretation of the statutes providing for apportionment. Volume **VI,** section **45.**

A bill making an apportionment of Representatives presents a question of constitutional privilege. Volume **I,** sections **307, 308.** Volume **VI,** section **51.**

The apportionment act provides that Representatives shall be elected in districts composed of contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants. Volume **I,** section **303.** Volume **VI,** section **44.**

(23) Apportionment.—Functions of Congress and the States.

Discussion of the respective powers of Congress and the States in establishing Congressional districts. Volume **I,** section **310.**

The House in 1842 declared entitled to seats Members elected as large in several States, although the law of Congress required election by district. Volume **I,** section **310.**

Indorsement of the principle that a State may elect Representatives on a general ticket, even though the law of Congress requires their election by districts. Volume **I,** section **519.**

The House declined to interfere with the act of a State in changing the boundaries of a congressional district. Volume **I,** section **313.**

The State legislature having included a county within a Congressional district, the House did not examine whether or not it was technically entitled to be so included. Volume **II,** section **911.**

Where the number of Representatives for a State has been increased by the new apportionment, the additional Representatives, if no new districts are created, may be elected by the State at large. Volume **VI,** section **45.**

(24) Apportionment.—Prima Facie Title as to Representatives in Excess of.

A State sending three Representatives when it was entitled to but two, the House gave prima facie effect to only two credentials. Volume **I,** section **314.**

The House did not give prima facie effect to credentials regular in form but borne by a person in addition to the number of Representatives allowed the State. Volume **I,** sections **315, 317, 318.**

The House did not give prima facie effect to regular credentials borne by a person claiming a seat in addition to those assigned to a State by law. Volume **I,** section **317.**

The Clerk declined to enroll a person bearing regular credentials but claiming to be a Representative in addition to the number apportioned to his State. Volume **I,** section **317.** Volume **VI,** section **54.**

In 1879 the Clerk declined to honor a regular credential for a Representative-at-large to which the State was not entitled to law. Volume **I,** section **51.**

The Clerk declined to enroll claimants bearing credentials referring to an election by virtue of which the said claimants had already held seats in the preceding Congress. Volume **I,** section **388.**

(25) Apportionment.—Final Right as to Representatives in Excess of.

California having in good faith elected one Member in excess of her apportionment, Congress by law provided for his admission. Volume **I,** section **314.**

Review of the acts of Congress giving increased representation in special cases. Volume **I,** section **316.**

The House denied the claim of a State to representation greater than the apportionment had given to her when the reasons for such claim applied to many other States. Volume **I,** sections **316, 317.** Volume **VI,** section **54.**

A State having elected on a general ticket three Representatives when it was entitled to but two, the House denied a seat to the one receiving the fewest votes. Volume **I,** section **314.**

ELECTIONS OF REPRESENTATIVES—Continued.

(26) Apportionment.—Changes of, as Related to Final Right.

The New Hampshire districts being changed after Representatives to the Thirty-first Congress were elected, an election to fill a vacancy was called in the new district, and the election was sustained. Volume **I,** section **311.**

The North Carolina districts being changed after Representatives to the Forty-eighth Congress were elected, the House did not disturb the Member chosen in a new district to fill a vacancy in an old district. Volume **I,** section **312.**

An election to fill a vacancy being held in a newly apportioned district, the larger portion of which was new both as to territory and people, the Elections Committee considered the election invalid. Volume **I,** section **327.**

Credentials being unimpeached, the status of the district under an apportionment law is a question of final rather than prima facie right. Volume **I,** sections **535**, **536.**

Where the number of Representatives has been decreased by the new apportionment, all the Representatives must be elected by the State at large unless and until the new districts are created. Volume **VI,** section **45.**

Where the number of Representatives to which a State is entitled pursuant to the act of 1929 is the same as the number under the last previous apportionment and the districts are unchanged, elections of Representatives may be conducted in the same manner as before the reapportionment. Volume **VI,** section **45.**

A reapportionment by a State legislature which rendered congressional districts of the State less compact and contiguous as to territory and more disproportionate as to population was not disturbed. Volume **VI,** section **53.**

Instance wherein a State legislature twice redistricted the State between enumerations. Volume **VI,** section **53.**

The act of a State legislature redistricting the State in accordance with the law of 1911 requires the approval of the governor of such State or passage over his veto. Volume **VI,** section **45.**

The law of 1911 provides that candidates for Representative to be elected at large shall be nominated in the same manner as candidates for governor, unless otherwise provided. Volume **VI,** section **47.**

The House declined to interfere with the act of a State in changing the boundaries of a Congressional district. Volume **I,** section **313.**

(27) Apportionment.—In General.

The first apportionment was fixed by the Constitution (footnote). Volume **I,** section **301.**

Is the establishing of districts an exercise of the power of regulating the times, places, and manner of elections? Volume **I,** section **310.**

After the division of Virginia the House recognized a division of the old representation between the two States without specific provisions of law. Volume **I,** section **318.**

Reference to the claim of Nebraska for additional representation. Volume **I,** section **319.**

(28) Agreement of Parties to a Contest.

Reference to practice of agreeing to questions of fact in contested-election cases as liable to abuse. Volume **I,** section **525.**

All agreements by parties to an election case in contravention of the provisions of law should be in writing, properly signed, and made a part of the record. Volume **I,** section **730.**

A condemnation by the Elections Committee of oral arrangements between parties to an election case for taking testimony out of time. Volume **I,** section **730.**

Form of agreement between parties in an election case as to counting certain votes. Volume **II,** section **924.**

The House, respecting a written agreement of the parties, counted a return which State canvassers had rejected as forged. Volume **II,** section **924.**

The House may determine the vote of a county as settled by an agreement of the parties to the election case. Volume **II,** section **1024.**

ELECTIONS OF REPRESENTATIVES—Continued.

(28) Agreement of Parties to a Contest—Continued.

An agreement of parties as to the admissibility of votes was overruled by the Elections Committee on the ground that the elective franchise might not be qualified by such agreement. Volume **I,** section **771.**

The House does not permit an agreement of parties that votes are inadmissible to preclude examination. Volume **I,** section **783.**

The parties having agreed that a return should be counted, and testimony being unsatisfactory, the House refused contestant's claim that the canvasser's rejection should be approved. Volume **II,** section **952.**

Instance wherein by agreement of parties evidence in an election case was taken under a State law. Volume **I,** section **810.**

Instance where blotted or blurred ballots were disposed of by agreement of parties. Volume **II,** section **1077.**

Stipulation by parties in the nature of an agreement can not waive plain provisions of statutes. Volume **VI,** section **164.**

Parties to contested election case may not by stipulation set aside explicit provisions of statutes relating thereto. Volume **VI,** section **116.**

Parties to a contested-election case may not by stipulation nullify rules of pleading or usurp prerogatives of the committee or the House. Volume **VI,** section **115.**

The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I,** section **680.**

The law allowing the parties in an election case, by consent in writing, to waive certain formalities in taking testimony. Volume **I,** section **699.**

Parties to a stipulation are estopped from questioning proceedings taken in conformity with the provisions thereof. Volume **VI,** section **117.**

Instance wherein the contestant entered into a written stipulation conceding the election of contestee. Volume **VI,** section **118.**

While not considering the committee bound by stipulations and agreements of parties, such agreements were substantially sustained by the committee. Volume **VI,** section **163.**

Form of stipulation between contestant and contestee for a recount. Volume **VI,** section **121.**

A stipulation by parties for a recount of ballots is not binding on the House or its committees. Volume **VI,** section **90.**

Instance wherein a stipulation was entered into under which all votes cast at an election were brought to Washington and recounted. Volume **VI,** section **172.**

A recount of ballots having been agreed upon by contestant and contestee it is the duty of the House to accept the revision in official returns made by such recount. Volume **VI,** section **91.**

Effort by opposing counsel to profit by laches authorized in void stipulations, to which he was himself party, were criticized as unethical. Volume **VI,** section **164.**

Participating in a subsequent agreement as to evidence, the contestee was held to have waived his objections to the sufficiency of notice. Volume **II,** section **942.**

On a recount of ballots the official returns in precincts where the ballots had been destroyed were accepted as correct by agreement of counsel. Volume **VI,** section **73.**

Testimony being taken after the legal time against returned Member's protest, but under color of a disputed oral agreement of counsel, the House declined to dismiss the contest. Volume **II,** section **1003.**

(29) Ballot.—Secrecy of.

Decision that the word "ballot" means secrecy of the vote. Volume **II,** section **947.**

The House rejected ballots marked publicly in presence of the election officers. Volume **II,** section **1088.**

ELECTIONS OF REPRESENTATIVES—Continued.

(29) Ballot.—Secrecy of—Continued.

The fact that a voter displays his Australian ballot to an election officer, no improper purpose being shown, is not necessarily a violation of the law of secrecy. Volume **II,** section **1108.**

The destruction of the secrecy of the ballots by crying out the votes as given was deemed a reason for rejection of the poll. Volume **I,** section **831.**

When an illegal vote is cast by secret ballot, the committee endeavor to ascertain from circumstantial evidence for whom the vote was cast. Volume **II,** section **865.**

The House in 1817 held that it was competent to examine the qualifications of voters, although they had voted by a secret ballot and might be compelled to disclose their votes. Volume **I,** section **772.**

When the election had been by ballot the Elections Committee declined to investigate qualifications of voters to the extent of violating the secrecy of the ballot. Volume **I,** section **777.**

Opinions of the Elections Committee as to investigating qualifications of voters who have voted by secret ballot. Volume **I,** section **775.**

Violation of a law that no tickets should be folded or exhibited near the polls did not invalidate the election. Volume **II,** section **930.**

Original returns of the precincts being lost, the House by testimony proved that certain votes returned as "scattering" because of misnomer were actually cast for contestant. Volume **I,** section **38.**

Errors in initials or spelling of a candidate's name do not ordinarily justify rejection of the votes. Volume **I,** section **575.**

The omission of the word "junior" in the return of a candidate's vote was corrected by the House on being shown by testimony. Volume **I,** sections **649, 650.**

Where a statute fixes a penalty for marking a ballot and does not require its rejection, the ballot should not be rejected. Volume **I,** section **603.**

Where electors are objected to for want of qualifications their names should be set forth in the notice of contest. Volume **I,** section **773.**

In an election case where it is alleged that votes have been cast by persons not qualified, the names of such persons should be given in the notice of contest. Volume **I,** section **763.**

(30) Ballot.—Form of.

The ordinary provisions of the Australian ballot system for placing names of candidates on the ticket is hardly a violation of section 1, Article XIV of the Constitution relating to equal protection of the laws. Volume **II,** section **1063.**

The State law having prescribed a form of ballot and voting, the House rejected ballots cast in different form. Volume **I,** section **758.**

A ballot complicated and unfair but not shown to be issued in pursuance of any conspiracy was not considered as a reason for discarding the return. Volume **I,** section **737.**

Discussion as to what constitutes a compliance with a mandatory law that the designation of the office shall appear "clearly" on the ballot. Volume **II,** section **951.**

As to what constitutes on a ballot a caption designed to deceive the voter. Volume **II,** section **976.**

Ballots printed in unusual style confusing to the voter may contribute to destroy confidence in the officers responsible therefor. Volume **II,** section **1072.**

Being unable to inspect a ballot the committee and House accepted the judgment of the election judges that it was intended for a blank. Volume **I,** section **776.**

Statutory enactments prescribing the form of ballot to be used held to be directory and not mandatory. Volume **VI,** section **147.**

As to ballots in language other than the English. Volume **II,** section **992.**

ELECTIONS OF REPRESENTATIVES—Continued.

(31) Ballot.—Size.

The exact size of the ballot is immaterial. Volume **II,** section **992.**

Instance wherein a variation of one-sixteenth of an inch from the legal size contributed to condemnation of a ballot. Volume **II,** section **1045.**

The law requiring ballots to be rejected unless of certain dimensions, the House sustained election officers in rejecting ballots for slight variations. Volume **II,** section **1051.**

(32) Ballot.—Irregular Arrangement, Printing, etc.

Although contestee's name may have been unlawfully placed on the ballot, yet in the absence of deception the ballot might be used to express the honest and intelligent wish of the voter. Volume **II,** section **1106.**

A decision by a State court after the election that contestant's name, which had appeared in the independent column, was entitled to place in the regular party column, was held not to affect the election, no deception of the voters having occurred. Volume **II,** section **1106.**

No surprise being practiced on the voters, who were free to vote for whom they pleased, alleged irregularities in placing a name under a party emblem do not vitiate the election. Volume **II,** section **1117.**

A ballot is not invalidated by reason of an abbreviated designation of the office which omits the number of the Congress and the name of the State. Volume **II,** section **1066.**

No fraud or harm being shown, the House, following the spirit of a decision of the State court, declined to reject ballots irregularly printed although the law seemed mandatory. Volume **II,** section **1070.**

There being no doubt for whom the ballots were intended, the word "fourth" instead of "third" in the description of the Congressional district did not invalidate the votes. Volume **II,** section **931.**

There being no doubt as to the intention of voters, the House declined to reject ballots on which the designation of the offices were confused. Volume **I,** section **843.**

The election officers having received a made-up ballot of which voter had neglected to paste the two parts together, the House declined to overrule the action. Volume **II,** section **998.**

A technically informal ballot having been illegally received by a judge of election was counted, the voter being guiltless of collusion in the illegal act. Volume **II,** section **1120.**

The House reviewed and reversed the decision of elections officers in admitting a ballot not conforming to the State law. Volume **I,** section **775.**

Under the old ballot laws the appearance of a candidate's name twice on the ballot did not prevent counting it as one vote. Volume **I,** section **577.**

In the absence of any statutory prohibition and no injury being shown to complainant, the numbering of the ballots was held not to invalidate the election. Volume **I,** section **640.**

A Federal law provides that votes for Representatives to be valid must be by written or printed ballot or by voting machine indorsed by State law. Volume **I,** section **510.**

It was held under the old ballot laws that a State statute as to form of ballot should not be considered mandatory so as to cause rejection of a vote wherein the intention of the voter is manifest. Volume **I,** section **577.**

Discussion as to the degree of variations permissible from size and style of printing of ballots prescribed by a mandatory law. Volume **II,** section **1045.**

Rejected ballots being illegally destroyed by election officers who were partisans of contestee and against protest, contestant was held entitled to the advantage of every doubt. Volume **II,** section **1079.**

The House rejected ballots marked publicly in presence of the election officers. Volume **II,** section **1088.**

The State law having prescribed a form of ballot and voting, the House rejected ballots cast in different form. Volume **I,** section **758.**

ELECTIONS OF REPRESENTATIVES—Continued.

(33) Ballot.—Errors in Names on the Old Ballot.

In dealing with ballots whereon occurs an error in a name the limitations of the House are very different from those of canvassing officers. Volume **I,** section **639.**

The name of a candidate being written wrongly on a ballot the House examined testimony as to the intent of the voter. Volume **I,** section **641.**

Errors in initials or spelling of a candidate's name do not ordinarily justify rejection of the votes. Volume **I,** section **575.**

Discussion as to the effect of the use of initials or the omission of a middle letter of a name on a ballot. Volume **I,** section **639.**

The House counted votes rejected by election officers because the initials instead of the full name of the candidate were written thereon, there being no doubt of the voter's intent, Volume **II,** section **1090.**

Ballots bearing only the last name of a candidate or incorrect initials should be counted when it is shown that no other person of the name is a candidate. Volume **I,** section **577.**

Being satisfied as to the intention of the voter the Elections Committee counted ballots from which the middle initial of candidate's name was lacking. Volume **I,** section **816.**

The intent of the voter being certain the omission of a candidate's given name does not vitiate the ballot. Volume **II,** section **976.**

As to the sufficiency of ballots bearing only the last name of the candidate. Volume **II,** section **888.**

There being no doubt of the intent of the voter, the wrong spelling of a candidate's name does not vitiate the ballot. Volume **II,** section **966.**

The House held that ballots wherein the word "junior" was omitted from the candidate's name should be counted on proof that they were intended for the candidate. Volume **I,** sections **646, 647.**

Ballots with a different given name and others with different initials were counted without proof of intent of the voter. Volume **II,** section **918.**

Ballots spelled wrong or lacking the initials were counted. Volume **II,** section **992.**

A vote apparently for "Walse" and rejected by the judges as undecipherable was counted for "Jonathan H. Wallace" on slender evidence. Volume **II,** section **987.**

A vote for "Kinley" was counted for "William McKinley" on proof of voter's intent. Volume **II,** section **987.**

The House decided to count as cast for "Fenner Ferguson" certain ballots cast for "Judge Ferguson." Volume **I,** section **834.**

Although a sticker for one candidate left the name of the other exposed the House considered the voter's intent evident and counted the sticker. Volume **II,** section **1044.**

A paster which did not cover the name of the rival candidate was yet held to make certain the intent of the voter. Volume **II,** section **1051.**

(34) Ballot.—Errors in Marking by Voter.

Where the intention of the voter is clear, the ballot will not be rejected for faulty marking by the voter, unless a law undoubtedly mandatory so prescribes. Volume **II,** section **1077.**

Where the intent of the voter was not in doubt, the house followed the rule of the Kentucky court and declined to reject a ballot because not marked strictly within the square required by the State ballot law. Volume **II,** section **1121.**

A voter having marked above two tickets on an Australian ballot, the counting of a vote for Congressman was considered of doubtful propriety, even in view of the fact that one ticket contained no candidate for Congress. Volume **II,** section **1121.**

ELECTIONS OF REPRRESENTATIVES—Continued.

(34) Ballot.—Errors in Marking by Voter—Continued.

The State law providing that ballots shall not be counted unless marked in a certain way, ballots otherwise marked should be rejected by the House. Volume **II,** section **1056.**

Where the law required the voters' mark to be placed before the candidate's name, the House sustained a rejection of ballots whereon it was placed after. Volume **II,** section **1091.**

The State law prohibiting rejection of a ballot for a technical error which had not obscured voter's intent, the House counted ballots marked with a pencil instead of a stencil. Volume **II,** section **1088.**

Following the Supreme Court of the State the house counted a ballot marked as to two-party columns, one of which did not contain the name of a candidate for Congress. Volume **II,** section **1069.**

The writing of the name of a candidate for a State office beneath the name of the candidate for Congress was held not to render uncertain the intent of the voter. Volume **II,** section **992.**

A voter having written his own name under the name of the candidate on the Australian ballot, the House counted the ballot in the absence of a State law making it illegal. Volume **II,** section **1091.**

Where returned Member's name was written on an opposition ballot under contestant's with the latter not scratched, the vote was counted for returned Member. Volume **II,** section **989.**

As to the use of red ink for writing a name on a ballot when a mandatory State law requires black ink. Volume **II,** section **1076.**

A mandatory law providing that writing on a ballot should be in black ink, may colored ink be used by an honest voter who can obtain no other? Volume **II,** section **1038.**

The intention of the voter being clear, the House counted the ballot, although irregular in form. Volume **II,** section **1009.**

The law requiring the voter to reside in the precinct, the votes of such as did not were rejected by the committee. Volume **I** section **616.**

Voters of persons otherwise qualified and cast in good faith, in accordance with previous habit, should not be rejected because of disputed boundary of precinct. Volume **I,** section **587.**

A reservation being excluded by law from the limits of a Territory, the votes of persons residing thereon and not within the precinct as required by law were rejected by the committee. volume **I,** section **616.**

A voter being qualified as to naturalization, his vote was not rejected because he did not produce his papers at the polls as required by the State constitution. Volume **II,** section **933.**

Misconduct of the officer who assists illiterates to mark their ballots justifies correction, but not rejection of the poll. Volume **II,** section **1080.**

Because the officer who assists illiterates to mark their ballots takes a narrow and technical view of his duties under the law does not justify rejection of the poll. Volume **II,** section **1080.**

The House declined to overrule the election officers who counted votes of electors, assisted in marking without taking the required preliminary oath. Volume **II,** section **1070.**

Votes of persons assisted in the preparation of their ballots in violation of the provisions of the State constitution, are void and should not be counted. Volume **VI,** section **158.**

(35) Ballot.— Neglect of Election Officers to Number, Mark, etc.

Where a State law declares that "no ballot not numbered shall be counted," the House sustained the rejection of ballots not numbered. Volume **II,** section **854.**

The numbering of ballots through an honest blunder of election officers, does not cause their rejection in absence of evidence of intimidation. Volume **II,** section **952.**

It being assumed that a State law required the rejection of ballots not properly indorsed or numbered by election officers, the House corrected the poll in accordance therewith. Volume **II,** section **1047.**

ELECTIONS OF REPRESENTATIVES—Continued.

(35) Ballot.—Neglect of Election Officers to Number, Mark, etc.—Continued.

Discussion as to whether a voter should be disfranchised for failure of election officers to obey a law requiring indorsement and numbering of the ballot. Volume **II,** section **1047.**

The State law requiring rejection of ballots not marked with initials of election officers, the House overruled the election officers who had counted such ballots. Volume **II,** section **1056.**

The failure of an election judge to detach a stub from a ballot, as he was required to do by law, did not justify the rejection of a ballot cast in good faith. Volume **II,** section **1120.**

The State law requiring rejection of the vote in the case of voters assisted in marking ballots without making an affidavit of disability, the House overruled the election officers who counted such ballots. Volume **II,** section **1056.**

The law requiring ballots to be rejected unless of certain dimensions, the House sustained election officers in rejecting ballots for slight variations. Volume **II,** section **1051.**

(36) Ballot.—Distinguishing marks Discussed.

Discussion as to what constitutes a distinguishing mark when made by the voter on his own ballot. Volume **II,** section **930.**

Discussion as to what constitutes a distinguishing mark on an Australian ballot. Volume **I,** section **731.**

Examples of what were held to be distinguishing marks on an Australian ballot. Volume **II,** section **1042.**

An early discussion as to what constituted a distinguishing mark on a ballot. Volume **I,** section **324.**

A tainted ballot was not rejected as having a distinguishing mark when voters were not supplied with envelopes as required by law. Volume **II,** section **1004.**

As to whether a distinguishing mark, as to candidates for one office on a ballot, invalidates the ballot as to other offices. Volume **II,** section **961.**

One of a series of ballots with similar distinguishing marks being shown to be corrupt, the House, overruling its committee, inferred corruption as to all. Volume **I,** section **576.**

When the law prescribes a penalty for putting a distinguishing mark on a ballot, but does not require rejection, should the ballot be rejected? Volume **I,** section **576.**

The House counted a ballot rejected by election judges because of distinguishing marks, on testimony that the marks were made by inadvertence. Volume **II,** section **988.**

(37) Ballot.—Paper, Printing, etc., as Affording Distinguishing Marks.

The color of a ballot is considered in determining as to distinguishing marks. Volume **II,** section **1045.**

The House reluctantly sustained a report holding that the use, with fraudulent intent, of very thick paper for ballots constituted a distinguishing mark. Volume **II,** section **990.**

As to the use of heavy type as distinguishing mark on ballots. Volume **II,** section **963.**

The size and impression of the type, permitting a ballot to be read on the back, was held to be a distinguishing mark. Volume **II,** section **1045.**

A printer's dash separating the names was held not to be a distinguishing "device or mark" within the meaning of the State law. Volume **II,** sections **959, 1037.**

A small star, placed on the ballot as the result of a conspiracy of the printer with election officers, is not a distinguishing mark justifying its rejection. Volume **II,** section **1037.**

(38) Ballot.—Party Names, and Other Words as Distinguishing Marks.

The State law forbidding a device on the ballot, the words "Republican ticket" were held sufficient to cause its rejection. Volume **II,** section **954.**

Use of the word "for" before the designation of the office condemned as a distinguishing mark on a ballot. Volume **II,** section **1045.**

The words "For President, Benjamin Harrison" over the names of electors were held to be a distinguishing mark. Volume **II,** section **1051.**

ELECTIONS OF REPRESENTATIVES—Continued.

(38) Ballot.—Party Names, and Other Words as Distinguishing Marks—Continued.

The name of a candidate for United States Senator on the ballot was held not to be such distinguishing mark as would destroy the secrecy of the ballot. Volume **I,** section **643.**

The prefix "Hon." with a candidate's name is not such distinguishing mark as will justify rejection of the votes. Volume **II,** sections **899, 915.**

A numbering of districts placed unnecessarily before names of candidates for presidential electors was not held to be such distinguishing mark as to vitiate the ballot as to Congressman. Volume **II,** section **961.**

(39) Ballot.—Pencilings and blots as distinguishing marks.

A ruling that the law prohibiting a distinguishing mark on a ballot did not apply to pencilings by the voter himself. Volume **II,** section **992.**

Faint pencil marks, evidently not of utility in identifying ballots, and appearing under circumstances suggesting fraud, were held not to be such distinguishing marks as to justify the rejection of ballots. Volume **II,** section **1121.**

Pencil marks made by election officers on ballots in pushing them into the box were held not to be distinguishing marks. Volume **II,** section **1037.**

Very small specks on a ballot, perhaps ink marks, were held not to be a distinguishing mark. Volume **II,** section **1037.**

An evidently accidental ink blot on a ballot or blot of stencil mark caused by folding is not a distinguishing mark, and the ballot should not be rejected if the intent of the voter is apparent. Volume **II,** section **1121.**

(40) Ballot.—Distinguishing marks Caused by Acts of Officers.

The entry of the fact of challenge on a ballot by election officers was not held to be a distinguishing mark justifying rejection of the ballot. Volume **II,** section **930.**

Ballots which were by error cast with a numbered stub still attached were deducted from the poll as bearing a distinguishing mark forbidden by law. Volume **I,** section **527.**

An informal removal of a numbered stub by election officers from ballots erroneously cast with such illegal distinguishing marks did not save the ballots from rejection by the House. Volume **I,** section **527.**

(41) Ballot.—Contradiction of, by Evidence.

Under the Australian ballot, where an officer marks the ballot for an illiterate voter, is the ballot higher evidence than the testimony of the voter? Volume **II,** section **1050.**

After the election the testimony of the voter as to how he voted may not be received to impeach the ballot recorded as cast by him. Volume **I,** section **831.**

A voter may not, by subsequent oral testimony, contradict the plain expression of the ballot, although circumstances corroborate the testimony. Volume **II,** section **930.**

Discussion as to admissibility of oral evidence to contradict a ballot. Volume **II,** section **987.**

The House, in 1834, reversed the decision of its committee that recorded votes on the poll book could not be changed by oral testimony. Volume **I,** section **55.**

The House may go behind the ballot to ascertain the intent of the voter, so as to explain what is ambiguous or doubtful. Volume **I,** sections **639, 641.**

Petition for an inspection of ballots must be supported by evidence indicating error in the official return and such request based merely on the hope of discovering error will not be entertained. Volume **VI,** section **143.**

Discussion of mandatory and directory law as related to the acts of voters and election officers. Volume **II,** section **939.**

Judges of election not appearing and the voters neglecting to choose others, the House declined to take into account the preferences of the said voters. Volume **II,** section **938.**

A person may not vote in a precinct wherein he does not live, although required to preside therein as an election officer. Volume **II,** section **991.**

ELECTIONS OF REPRESENTATIVES—Continued.

(42) Ballot.—Irregularities as to the Old, Unofficial.

As to the extrinsic evidence which sustains the sufficiency of the designation of the office on a ballot. Volume **II,** section **951.**

It was held under the old ballot laws that a "paster" which covered the designation of the office should not work rejection of the vote, although a State law so provided. Volume **I,** section **577.**

One candidate's name being scratched and another's written in with a pencil of illegal color for a corrupt purpose the ballot was vitiated as to both names. Volume **II,** section **1017.**

Where a law requiring ballots to be numbered, even though directory merely, was totally disregarded, and the poll books and ballot box disagree essentially, the returns were rejected. Volume **II,** section **1128.**

The presumption that sworn officers did their duty must obtain unless it is clearly shown that erasures from the ballot were made by them. Volume **II,** section **950.**

It being impossible to determine for whom informal ballots (issued because the regular ones had failed) had been cast, the House did not correct the return. Volume **II,** section **1088.**

(43) Ballot.—General Irregularities as to the New, Official.

Discussion as to the mandatory or directory nature of a law providing that a ballot prepared in a certain way and no other shall be used. Volume **II,** section **1095.**

Failure to comply with statutory requirements in the signing, numbering and stamping of ballots was disregarded by the State. Volume **VI,** section **165.**

Error of election officer in removing initials properly affixed as required by law does not invalidate ballot. Volume **VI,** section **92.**

The premature opening of official ballots and failure to post cards of instruction at the polls do not vitiate an election held properly in other respects. Volume **II,** section **1110.**

Illegal ballots are subtracted from the vote of the candidate for whom cast and when the candidate for whom cast can not be ascertained are subtracted from the vote of all candidates in accordance with the pro rata share of the total vote obtained by each candidate in the precinct in which cast. Volume **VI,** section **166.**

Where the State prescribes the manner of election, may the House disregard an arbitrary State law which denies expression to the voter's intent? Volume **II,** section **1078.**

Is the House, in its function of judging elections, to be precluded by an arbitrary State law from determining the intent of the voter? Volume **II,** section **1078.**

The House favored purging rather than rejecting the return of an entire county where in a partisan county election board has so printed the ballot as to confuse voters. Volume **II,** section **1080.**

Where a marking judge refused assistance to voters the House did not reject the returns, but added votes proven aliunde. Volume **II,** section **1109.**

The fact that a voter displays his Australian ballot to an election officer, no improper purpose being shown, is not necessarily a violation of the law of secrecy. Volume **II,** section **1108.**

The law forbidding a voter to reenter the polling booth, may one who failed in attempting to return to effect the object? Volume **I,** section **576.**

The House rejected a vote found by the judges in an irregular place and counted in spite of the fact that it caused an excess in the poll. Volume **I,** section **562.**

A voter having cast a ballot he would not otherwise have voted in order to free himself from a prosecution the vote was rejected. Volume **II,** section **949.**

A vote being admitted should not be rejected on evidence that merely throws a doubt on it. Volume **II,** section **888.**

As to what is sufficient return of rejected ballots under the Kentucky election law. Volume **II,** section **1120.**

ELECTIONS OF REPRESENTATIVES—Continued.

(44) Ballot.—Irregularities in Marking by the Voter.

Although the intent of the voter be entirely plain the House will follow a State law, arbitrary but mandatory, which requires rejection of the ballot. Volume **II,** section **1078.**

Though the marking of ballots by voters may not be in accordance with statutory requirements, if the intention of the voter is clear the vote will be counted. Volume **VI,** section **146.**

Where a voter inadvertently or ignorantly erases the designation of the office in marking, the character of the ballot as an official ballot is not destroyed. Volume **II,** section **1077.**

The affixing of a sticker bearing a candidate's name was held to sufficiently indicate the intent of the voter and the House declined to reject ballots so prepared because not marked with a cross thereafter as required by the State ballot law. Volume **VI,** section **96.**

(45) Ballots.—Improperly Marked.

Where the law required the voter's mark to be placed before the candidate's name the House sustained a rejection of ballots whereon it was placed after. Volume **II,** section **1091.**

The State law providing that ballots shall not be counted unless marked in a certain way, ballots otherwise marked should be rejected by the House. Volume **II,** section **1056.**

Where the State law specifically required rejection of a ballot whereof the scratching of a name failed to mark two-thirds thereof the House approved rejection. Volume **II,** section **1078.**

A mandatory State law providing in effect that the writing of the name of one candidate under the unscratched name of another should make the ballot void, the House did not count the vote. Volume **II,** section **1009.**

A ballot should not be rejected because an official marker has failed to mark it properly. Volume **II,** section **1108.**

(46) Ballots.—Fraudulently Marked.

Where election officers procured incorrect markings for illiterate voters, so that the ballots were rejected, the House corrected but did not reject the vote. Volume **II,** section **1097.**

Where election markers fraudulently mark the ballots of illiterate voters the returns may be impeached by the testimony of the voters as to the ballots they intended to vote. Volume **II,** section **1102.**

(47) Ballot.—Custody of as Related to Validity of Return.

Handling of the ballots by parties other than the officers does not necessarily cause rejection of the poll. Volume **II,** section **1049.**

Handlling of the ballots by an unauthorized person during count, no fraud being shown, does not vitiate the return. Volume **II,** section **1001.**

No fraud being shown, irregularities in the receiving and custody of ballots were not held sufficient to justify the rejection of the returns. Volume **I,** section **778.**

In the absence of law requiring ballots to be counted in the voting place in which they were cast, the removal of ballot boxes to another place for counting was held not to constitute evidence of fraud. Volume **VI,** section **125.**

A State law providing for custody of ballots was held to be directory and not mandatory. Volume **VI,** section **166.**

Returns being tainted by obvious fraud and the custodian of the ballots having refused to show them the returns were held valueless and rejected. Volume **II,** section **873.**

Statutes prescribing methods of preservation of ballots are directory merely and it is sufficient if ballots have been so preserved as to furnish satisfactory evidence of the will of the voters. Volume **VI,** section **144.**

Notwithstanding that the law requiring careful preservation of ballots may not have been complied with, and that opportunity to tamper with the ballots may be shown to have existed, unless evidence is produced to prove such tampering the point will not be considered. Volume **VI,** section **132.**

ELECTIONS OF REPRESENTATIVES—Continued.

(47) Ballot.—Custody of as Related to Validity of Return—Continued.

A State law requiring the transporation and preservation of ballots under seal was held to rebut the unsustained presumption that ballots received with broken seals had been tampered with. Volume **VI,** section **172.**

(48) Ballot.—Proof Aliunde in Default of Returns.

It not being shown that the ballots has been tampered with, and State law requiring their preservation, secondary evidence of the vote was not considered. Volume **II**, section **1065.**

Discussion as to the evidence required to justify taking into account ballots rejected wrongfully by election officers. Volume **II,** section **963.**

Ballots improperly rejected by election officers and then illegally destroyed were proven aliunde and counted. Volume **II,** section **1079.**

The House added to contestant's return rejected lawful votes on the testimony of persons who saw the votes rejected and knew the political preferences of the electors. Volume **II,** section **1092.**

The returns being destroyed by a tampering with the ballots after the count contestant was permitted to prove his vote aliunde by testimony of persons who saw the votes cast and tallied or estimated them. Volume **II,** section **1008.**

In proving votes not cast the House required that each elector should testify as to the facts which entitled him to vote and have his vote counted. Volume **II,** section **1098.**

The fact that votes proven to have been cast by testimony of the voters do not appear in the count does not vitiate an election when not numerous enough to affect the result appreciably, Volume **II,** section **1110.**

(49) Ballot.—Proof of, When Voter Declines to Disclose.

Discussion as to the kind of evidence required to show the elector votes when he declines to disclose his ballot. Volume **II,** section **865.**

When an illegal vote is cast by secret ballot the committee endeavors to ascertain from circumstantial evidence for whom the vote was cast. Volume **II,** section **865.**

The voter not being compelled to testify for whom voted, proof of general reputation as to political character and party preferences was accepted to determine the vote. Volume **I,** section **799.**

In the absence of direct proof of how he voted, evidence as to the voter's party, his advocacy of candidates, or the friends who sustained his right to vote is admissible. Volume **I,** section **585.**

Over 2,000 illegal votes having been proven the committee by proof aliunde determined for whom a portion were cast and rejected them without disturbing the remainder. Volume **II,** section **1131.**

Discussion as to method of determining the nature of unsegregated votes cast by disqualified voters. Volume **II,** section **1021.**

(50) Ballot—Evidence of Voter's Declaration as Proof of.

The State law preventing voters from testifying as to the ballots cast by them the Elections Committee did not admit declarations as next best evidence. Volume **I**, section **784.**

Testimony quoting statements of the voter after election as to how he voted or as to his qualifications is inadmissible to prove illegality of a ballot, being hearsay. Volume **I,** section **585.**

Where the ballot was secret, testimony of an acquantance as to voter's declaration before election was accepted as proof aliunde. Volume **II,** section **1131.**

(51) Ballot.—Voter's Testimony as to His Own Vote.

One who has knowingly cast an illegal vote should not be relied on to prove how he voted, but it is otherwise in case of honest mistakes. Volume **I,** section **585.**

ELECTIONS OF REPRESENTATIVES—Continued.

(51) Ballot.—Voter's Testimony as to His Own Vote—Continued.

A voter's testimony under oath that he was disqualified and voted for a certain candidate was accepted as justification for rejecting this vote. Volume **II.** section **1131.**

Where ballots are numbered in connection with the voter's name the ballots themselves are the best evidence, and the testimony of the voter should not be taken. Volume **II,** section **1044.**

In proving the vote aliunde the Elections Committee rejected hearsay testimony and conjecture, and required the evidence of the voter or the marker. Volume **II,** section **1097.**

In proving votes aliunde the testimony of the voters themselves was preferred to an unofficial tally. Volume **II,** section **1109.**

Where votes are proven aliunde the voter, in swearing to his vote, need not identify the ballot. Volume **II,** section **882.**

The House declined to count the votes of witnesses who failed to show that they were illegally refused registration or that they had tried to vote. Volume **II,** section **1087.**

The committee, in 1793, declined to permit a ballot to be impeached by the testimony of the voter after the act of voting. Volume **I,** section **759.**

The name of a witness who swore to his own vote not being mentioned in the notice to take depositions, as required by law, the vote was rejected. Volume **I,** section **557.**

(52) Ballot.—As to Contradiction of Ballot by Voter's Testimony.

The committee in 1793 declined to permit a ballot to be impeached by the testimony of the voter after the act of voting. Volume **I,** section **759.**

(53) Ballot.—Tender of Vote and Count of, as if Cast.

A vote offered by an elector and illegally rejected should be counted as if cast. Volume **II,** section **978.**

Electors having made affidavit of their qualifications and as to the ballots they intended to cast, and the same being corroborated orally, the House counted the rejected votes. Volume **II,** section **978.**

The House counts lists of wrongfully disfranchised qualified voters when sustained by other evidence that the voters were present near the polls to vote and would have voted for the party claiming had they not been prevented. Volume **II,** section **1075.**

(54) Ballot.—Recount of.

Forum of resolution providing for inspection of contested ballots. Volume **VI,** section **163.**

Form of resolution authorizing production of ballots for recount by committee. Volume **VI,** section **166.**

Form of resolution providing program of procedure in recount of contested ballots. Volume **VI**, section **163**.

The power of the House to examine ballots and correct returns is inherent but should be exercised only after the official returns have been discredited. Volume **VI,** section **143.**

In the absence of evidence of fraud or irregularities, proof of which would change in the result of the election, the committee declined to subpoena ballots. Volume **VI,** section **164.**

Where disputed ballots, even if counted for claimant, would not alter the result of the election the committee on elections declined to inspect the ballots. Volume **VI,** section **117.**

Before resort can be had to ballots as evidence, absolute proof must be made that they are the identical ballots cast at the election; that they have been kept as required by law; that there has been no opportunity to tamper with them; and that they are in the same condition as when cast. The burden of such preliminary proof rests upon the party offering the ballots as evidence. Volume **VI,** section **115.**

Before a recount of ballots may be had, proof must be made of the inviolability of the ballot boxes and their contents. Volume **VI,** section **115.**

ELECTIONS OF REPRESENTATIVES—Continued.

(54) Ballot.—Recount of—Continued.

Counsel for the contestant having conceded that a recount of the ballots was all that was relied on and that if a recount did not overcome the contestee's plurality the contest would be dismissed, the committee held it was not warranted on the pleadings in recounting the ballots but permitted an amendment of pleadings to justify recount. Volume **VI,** section **170.**

Proof that the law has been innocently disregarded in the counting of ballots opens the door to a recount as effectually as if deliberate fraud had been shown. Volume **VI,** section **146.**

Where the evidence fails to establish a presumption that a recount of the ballots would change the result, the House declined to order such recount. Volume **VI,** section **126.**

The returns from a recount are neither conclusive nor persuasive unless the ballots have been so effectually safeguarded as to preclude opportunity for tampering. Volume **VI,** section **189.**

Petition for an inspection of ballots must be supported by evidence indicating error in the official return and such request based merely on the hope of discovering error will not be entertained. Volume **VI,** section **143.**

Discussion of the validity of a recount after the time when, by the terms of the law, the ballots should have been destroyed. Volume **I,** section **575.**

Although not bound by agreement of parties for a recount of ballots, the committee in view of the difficulty in securing a recount under the laws of the State, and evidence indicating the probability of inaccuracy in the returns, ordered a recount. Volume **VI,** section **90.**

In order to justify a recount of the ballots in a contested-election case, evidence must be produced to indicate reasonable grounds for belief both that the returns are incorrect and that a recount would change the result. Volume **VI,** section **189.**

A general recount of ballots is unwarranted without preliminary evidence tending to cast doubt on the accuracy of the official returns. Volume **VI,** section **170.**

The House reluctantly sustained an unauthorized recount made incidentally during a legal recount for a State office. Volume **II,** section **990.**

Where a State law does not provide for reinspection of ballots may they be examined under authority of the law for taking testimony in election cases? Volume **II,** section **1062.**

In a case wherein an unofficial and ex parte recount was relied on, because the ballots themselves could be reached officially only by the House itself, the House reopened the case for examination of the ballots. Volume **II,** section **1070.**

An unofficial recount of ballots not kept inviolate is of no force. Volume **II,** section **958.**

The ballot box not having been kept inviolate an unofficial recount is of little value to substantiate impeached returns. Volume **II,** section **980.**

Contestant was required to sustain charges against the correctness of the count by the ballots. Volume **II,** section **1008.**

On a recount of ballots the official returns in precincts where the ballots had been destroyed were accepted as correct by agreement of counsel. Volume **VI,** section **73.**

A recount should include all ballots cast at the election and the House declines to order recount if any portion of the ballots have not been preserved. Volume **VI,** section **115.**

Where some of the ballots were missing a recount was denied. Volume **VI,** section **133.**

A recount of a part of the ballots will not be ordered at the instance of one party when impossible to grant a recount of the remaining ballots if requested by the other party. Volume **VI,** section **112.**

A recount of any part of the ballots will not be ordered unless all ballots cast in the election are available for recount if desired. Volume **VI,** section **102.**

A recount of ballots having been agreed upon by contestant and contestee it is the duty of the House to accept the revision in official returns made by such recount. Volume **VI,** section **91.**

ELECTIONS OF REPRESENTATIVES—Continued.

(54) Ballot.—Recount of—Continued.

On a recount by the committee the question of rejecting ballots is properly raised when they are received in Washington and before recounting or at least when tabulated, and the motion comes too late after the record has been made and argument heard. Volume **VI,** section **172.**

(55) Ballot.—Excess of, in the Box.

A question as to the best rule for elimination of an excess of ballots in the box. Volume **I,** section **537.**

The election officers being irregularly chosen and of suspicious conduct an excess of ballots over the poll list was held to justify rejection of the box. Volume **II,** section **1032.**

The ballots in the box exceeding the names on the poll list and the returns being impeached by the testimony of voters the poll was rejected. Volume **II,** section **981.**

(56) Ballot.—Illegal Destruction of.

Ballots being regularly numbered and counted and the vote entered on the poll book the return stood, although the ballots were afterwards destroyed. Volume **II,** section **854.**

An illegal destruction of ballots, but apparently done in good faith, was not held as evidence contributing to a charge of conspiracy. Volume **II,** section **1079.**

Rejected ballots being illegally destroyed by election officers who were partisans of contestee and against protest, contestant was held entitled to the advantage of every doubt. Volume **II,** section **1079.**

Serious irregularities by election officers, the rejection of an undue proportion of ballots for imperfect marking, and illegal destruction of rejected ballots vitiated the return. Volume **II,** section **1079.**

(57) Ballot.—As Basis for the Return.

The ballots are higher and better evidence of the result than the poll lists. Volume **II,** section **1008.**

Returns made up from additions of names of voters on the poll books instead of from count of the ballots were rejected, although there was no evidence of error or fraud in the returns. Volume **I,** section **542.**

A slight discrepancy between the poll list and the ballots found does not justify its rejection. Volume **II,** section **1108.**

AS to the validity of a supplemental return proven by the election officers and not by the best evidence—i.e., the ballots themselves. Volume **II,** section **948.**

The House declined to reject a return because of irregularities on the part of election officers and the settlement of discrepancies between the ballots and the poll list by additions. Volume **II,** section **1000.**

Discussion as to the status of the ballots as evidence when the honesty of the election officers is impeached. Volume **II,** section **1043.**

If it is reasonable to suppose there was error in judgment in counting ballots cast in a portion of the precincts in the district, it is equally reasonable to assume there was error in judgment in counting the ballots in the remaining precincts. Volume **VI,** section **126.**

(58) Ballot.—When Cast in Technical Violation of Law.

Where the law requires a citizen of foreign birth to produce his naturalization papers at the time of voting a failure so to do destroys the vote, even after it has been received. Volume **II,** section **979.**

A vote admitted without presentation of required evidence at the polls is not validated by production of the evidence during the investigation. Volume **II,** section **979.**

Only upon proof of conditions under which the law has expressly declared ballots to be void have the courts sanctioned their rejection. Volume **VI,** section **81.**

ELECTIONS OF REPRESENTATIVES—Continued.

(59) Ballot.—Multilation, Blotting of, etc.

The multilation of ballots in the return of election officers did not cause rejection of the returns in absence of proof of fraud on part of the officers or the party apparently benefited. Volume **II,** section **1131.**

Instance where blotted or blurred ballots were disposed of by agreement of parties. Volume **II,** section **1077.**

Although contestant claimed in his notice that blurred ballots should not be counted for contestee, and did not ask that they be counted for himself, the committee counted them for both. Volume **II,** section **1077.**

(60) Ballot—Corrupted by Bribery.

The entire vote of a precinct should not be rejected simply because certain votes are shown to corrupt by reason of bribery. Volume **II,** section **1125.**

The House should not count a bribed vote, although no State law may require its rejection. Volume **II,** section **1125.**

The proof of corrupted vote going into a ballot box does not invalidate the whole. Volume **II,** section **973.**

Discussion as to validity of the English rule that to justify rejection of votes bribery must be practiced by the candidate or agent. Volume **II,** section **907.**

In absence of evidence for whom a man voted or that he was improperly influenced, the House declined to reject the vote because of a suspicious remark of the voter. Volume **II,** section **949.**

(61) Ballots.—Of Voters Not Qualified.

A clear preponderance of competent evidence is required to overthrow the prima facie legality of a ballot received by the election officers. Volume **I,** section **585.**

Votes cast by voters having all qualifications except the required residence within the county were rejected by a dividend committee. Volume **I,** section **818.**

Residence in a county being a qualification of voters, the votes of nonresidents were rejected. Volume **I,** section **817.**

The House rejected votes cast by persons not naturalized citizens of the Untied States, although entitled to vote under the statutes of a State. Volume **I,** section **811.**

Payment of a capitation tax being a prerequisite for voting, the votes of persons who had not paid were rejected. Volume **II,** section **985.**

The law of the State requiring a voter on pain of disqualification to take an oath of loyalty, votes cast by unsworn voters were rejected. Volume **II,** section **854.**

Discussion as to the evidence required to reject votes of alleged paupers received and counted by the election officers. Volume **II,** section **909.**

Where voters are disqualified for crime, a vote should not be rejected unless there is proper evidence of the conviction of the person offering it. Volume **I,** section **537.**

A voter capable of making a vlid will or contract or of being criminally responsible for his act may not be disqualified as of unsound mind. Volume **I,** section **586.**

The House has rejected votes of lunatics whose votes had been received by election officers and in whose cases there had been no finding in lunacy. Volume **I,** section **561.**

It being impossible to prove how a disqualified voter cast his ballot, the vote was not deducted. Volume **II,** section **929.**

Overruling its committee, the House declined to deduct proportionately from the two candidates unidentified votes cast by disqualified persons. Volume **II,** section **921.**

As to the principal of deducting unsegregated illegal votes by a system of computation, Volume **II,** section **991.**

ELECTIONS OF REPRESENTATIVES—Continued.

(61) Ballots.—Of Voters Not Qualified—Continued.

Instance wherein the House rejected votes as disqualified without ascertaining the names of the voters or the precincts wherein they voted. Volume **II,** section **985.**

When a voters' qualifications are objected to the burden of proof is on the objecting party to show that the person voted for the competitor and was disqualified. Volume **II,** section **885.**

Contestant having neglected to show for whom votes impeached by him were cast, they were deducted from this poll. Volume **II,** section **921.**

(62) Ballots.—Of Unregistered Voters.

Registry of voters being required, the vote of a person not registered or on the registry list was rejected by the House. Volume **I,** section **575.**

A vote deposited in good faith by the elector, supposing himself to be registered, should not be rejected upon subsequent discovery that he was not registered. Volume **II,** section **1002.**

An elector having in good faith presented an affidavit in lieu of registration, and the vote having been accepted, the House declined to reject the vote because the affidavit did not meet the legal requirement. Volume **II,** section **1002.**

An unregistered voter being required to produce an affidavit and an oral witness as to qualifications the House, because of a defective affidavit, rejected a vote received by the election officers. Volume **II,** section **1010.**

(63) Ballots.—House Counts When Wrongfully Rejected.

A vote offered by an elector and illegally rejected should be counted as if cast. Volume **II,** section **978.**

The House counted ballots rejected by election officers under an erroneous construction of the law. Volume **II,** section **976.**

Officers of election having wrongfully denied qualified voters the right to vote, the House counts the rejected votes. Volume **II,** section **975.**

The House counted the votes of persons who swore that they intended and tried to vote for contestant, but were prevented because other persons had voted on their names. Volume **II,** section **1067.**

Ballots placed by the voters in the wrong box through deceptive acts of election officers were counted by the House. Volume **II,** section **1034.**

There being no evidence that either party had suffered especial harm, the House did not count votes excluded by closing the polls, though negligence of election officers was alleged. Volume **II,** section **1088.**

A small number of voters being driven from the polls by intimidation, the House counted their votes, but declined to reject the whole poll. Volume **II,** section **976.**

The House will count the votes of electors denied their right to suffrage by a registration law which it deems unconstitutional and not passed on by the State courts. Volume **II,** section **1075.**

The Committee on Elections declined to count votes of persons prevented from voting by an erroneous dropping of their names from the registration. Volume **II,** section **935.**

The House counted the ballots of qualified voters who were prevented from voting by conditions arising from a registration established by a city government. Volume **II,** section **975.**

Where an unauthorized but not fraudulent erasure of names occurred on a registration list the House counted votes of electors harmed by this erasure. Volume **II,** section **1084.**

Discussion as to the evidence required to justify taking into account ballots rejected wrongfully by election officers. Volume **II,** section **963.**

The House added to contestant's return rejected lawful votes on the testimony of persons who saw the votes rejected and knew the political preferences of the electors. Volume **II,** section **1093.**

ELECTIONS OF REPRESENTATIVES—Continued.

(64) Ballots.—Illegally Received.

Where election officers received votes without the required evidence that a poll tax had been paid the House rejected the votes, although the tax had in fact been paid. Volume **II,** section **1051.**

As to whether the House should count ballots illegally but not fraudulently cast and properly rejected by the election officers. Volume **II,** section **922.**

Persons intending to vote fraudulently must be shown to have done so at some poll to justify corrections on their account. Volume **II,** section **351.**

The House reversed the rule of its committee that a vote might be rejected from the poll on the testimony of more than one witness that the voter was unknown in the country. Volume **I,** section **55.**

(65) Ballot.—House May Reverse Decisions of State Officers.

The House counted lawful ballots rejected by election officers on frivolous and technical challenges. Volume **II,** section **1090.**

Being unable to inspect a ballot the committee and House accepted the judgment of the election judges that it was intended for a blank. Volume **I,** section **776.**

An admitted ballot is prima facie good, and the burden of proof is on the party objecting that the voter is an alien. Volume **I,** section **796.**

A clear preponderance of competent evidence is required to overthrow the prima facie legality of a ballot received by the election officers. Volume **I,** section **585.**

The returned Member being unseated by the rejection of fraudulent ballots, the House seated the contestant. Volume **VI,** section **96.**

(66) Ballot.—House Demands, as Evidence.

The ballots are among the papers of which the officer taking testimony in an election case may demand the production. Volume **II,** section **1044.**

Judicial decision holding that where ballot boxes have been exposed to molestation the returns of the judges are better evidence of the result of the election than the ballots. Volume **VI,** section **189.**

May a notary, acting under the authority of the law of 1851, require the production of ballots against the injunction of the State Court? Volume **II,** section **1070.**

Form of resolution by which the House ordered the production of ballots as evidence in an election case. Volume **II,** section **1070.**

Instance wherein the House directed the issue of a subpoena duces tecum to procure the ballots for examination in an election case. Volume **I,** section **731.**

Form of resolution authorizing the Elections Committee to procure ballots and other evidence. Volume **I,** section **731.**

Instance wherein the Elections Committee declined to order the production of ballots and decided the case as made up under the general law. Volume **I,** section **732.**

Form of resolution returning to State authorities ballots that had been examined in an election case. Volume **I,** section **733.**

The ballots themselves constitute the best evidence and the count of election officials should not be set aside by testimony of a witness who merely looked at the ballots and testified to the results. Volume **VI,** section **115.**

(67) Ballot.—Relations of House to State Laws and Returns.

The House may go behind the ballot to ascertain the intention of the voter, State statutes to the contrary notwithstanding. Volume **VI,** section **94.**

Discussion of directory and mandatory requirements of law as applied to the ballot and in relation to the rights of the voter. Volume **II,** section **1016.**

Statutory enactments prescribing the form of ballot to be used held to be directory and not mandatory. Volume **VI,** section **147.**

In construing a State ballot law the House followed the principle enunciated by the State supreme court as to giving effect to the voter's intent. Volume **II,** section **1069.**

ELECTIONS OF REPRESENTATIVES—Continued.

(67) Ballot.—Relations of House to State Laws and Returns—Continued.

Committee resolutions based on the counting of ballots failing to comply with statutory requirements were rejected by the House. Volume **VI,** section **95.**

Voters are not required to determine the legal eligibility of candidates to a place on the ballot and an election otherwise valid will not be held invalid because the certificate of nomination of the successful candidate is defective through the omission of some detail. Volume **VI,** section **188a.**

Discussion of litigation in State courts to place name of candidates on the ballot. Volume **VI,** section **165.**

Irregularity of nomination does not prejudice claimant's case in the House. It is sufficient if the candidate's name was duly certified as required by law and printed on the ballot at the November election. Volume **VI,** section **93.**

An investigation disclosing no evidence of bribery, the failure of a candidate to comply with a State statute in the itemization of expenditures in a primary, was held to be a matter for the consideration of the State authorities in determining whether his name should be placed on the ballot and whether, after election, a certificate of election should be issued, and not pertinent to the determination of an election contest in the Senate. Volume **VI,** section **188b.**

(66) Ballot.—In General.

Discussion of constructions placed upon the Australian ballot laws. Volume **VI,** section **146.**

Where a statute fixes a penalty for marking a ballot and does not require its rejection, the ballot should not be rejected. Volume **I,** section **603.**

In the absence of any statutory prohibition and no injury being shown to complainant, the numbering of the ballots was held not to invalidate the election. Volume **I,** section **640.**

The decisions of election officers that ballots ere fraudulently folded was reviewed and reversed by the House. Volume **I,** section **775.**

The House followed a State law in rejecting ballots folded together, but considered evidence tending to show fraud before doing so. Volume **I,** section **776.**

A question as to whether the House should reject votes for irregularities not sufficient to cause their rejection under State law. Volume **I,** section **759.**

As to ballots in language other than the English. Volume **II,** section **992.**

Voters being deceived in casting a ballot not intended by them, the House corrected the error. Volume **II,** section **999.**

The House corrected the ballot of a voter shown to have been deceived into voting otherwise than he intended. Volume **II,** section **992.**

When the law requires a vote by ballot an election viva voce is not permissible and is a reason for rejection of the returns. Volume **I,** section **773.**

Although the State constitution required that every vote be given viva voce, the Elections Committee, in a report which failed—evidently for other reasons—to be sustained, decided that the votes of certain mutes might be counted. Volume **I,** section **54.**

Discussion as to use of proxies at meeting of political executive committees. Volume **II,** section **1117.**

Authority conferred by a statute "To require the production of papers" was construed to confer authority to require the production of ballots, in an election held under the Australian ballot system. Volume **VI,** section **186.**

In dealing with ballots whereon occurs an error in a name the limitations of the House are very different from those of canvassing officers. Volume **I,** section **639.**

Instance wherein in the decision of an election case each vote was treated as a distinct controversy. Volume **I,** section **795.**

ELECTION OF REPRESENTATIVES—Continued.

(68) Ballot.—In General—Continued.

Where the election laws prohibited the acceptance of a nomination from more than one party, the distribution of the ballots of a particular party to which were attached stickers bearing the name of a candidate not nominated by such party was held to be unlawful. Volume **VI,** section **125.**

Where clearly demonstrated that voters were misled by typographical errors in the ballot, the intention of the voter was taken into consideration by the House. Volume **VI,** section **94.**

A Federal law provides that votes for Representatives to be valid must be by written or printed ballot, or by voting machine indorsed by State law. Volume **I,** section **510.**

Reference to the Federal statute as to voting by ballot in its relation to State laws prescribing time, place, and manner. Volume **II,** section **961.**

The House declined to reverse the action of election officers who had returned for "Jonathan H. Wallace" votes cast for "J. Wales" and "Jonathan H. Walser." Volume **II,** section **987.**

A county official having with intent to deceive voters changed the party emblems on the official ballot, the House overruled its committee and rejected the entire returns. Volume **II,** section **1095.**

The House, in judging the harm done by a fraudulent ballot, took account of the opinions of witnesses. Volume **II,** section **1095.**

Instance wherein, without violating the secrecy of the ballot, the Elections Committee by computation rectified a poll. Volume **I,** section **777.**

Does a numbering of the ballots by election officers who know it to be illegal justify rejection of the poll for intimidation. Volume **II,** section **947.**

(69) Ballot Box.—For Election of President by the House.

In the election of President by the House in 1825 the prevailing sentiment favored a ballot box for each State. Volume **III,** section **1984.**

(70) Ballot Box.—In Elections by the People.—Number and Form of.

A State law requiring two ballot boxes to be kept at each polling place was construed by the House as directory only, and in the absence of fraud a neglect of the provision did not nullify the election. Volume **I,** section **456.**

Where no law requires the use of only one ballot box at a voting precinct the use of two does not justify rejection of the return. Volume **I,** section **681.**

The use of several ballot boxes, with alleged object of defeating the purpose of the Federal inspection law, did not cause rejection of the returns. Volume **II,** section **897.**

(71) Ballot Box.—In Elections by the People.—Excess of Votes in.

No fraud being shown, a poll is not rejected because the ballot box does not contain as many votes as are proven by oath of voters. Volume **I,** section **801.**

Where the law requiring the ballot box to be empty at the beginning of the election was disregarded the House rejected the returns. Volume **II,** section **1112.**

(72) Ballot Box.—In Elections by the People.—Violence, Fraud, and Irregularities.

As to evidence on which votes may be proven aliunde when the ballot box has been taken by armed force and witnesses are intimidated. Volume **II,** section **1038.**

Election officers being robbed of the ballot boxes and returns by unknown masked men the general result was not affected therefor. Volume **II,** section **937.**

The ballot box being stolen and no returns made the vote was proven aliunde. Volume **II,** section **1019.**

A discrepancy between the votes cast and the returns and evidence of tampering with the ballot box justified rejection of the poll. Volume **II,** section **857.**

The conduct of election officers being impeached by a return shown to be false, ballots in their custody are thereby discredited. Volume **II,** section **1050.**

ELECTIONS OF REPRESENTATIVES—Continued.

(72) Ballot Box.—In Elections by the People.—Violence, Fraud, and Irregularities—Con.

The ballots not being counted at the close of the poll and the box being taken away in violation of law by election officers of doubtful honesty the returns were rejected. Volume **II,** section **1031.**

No fraud being shown votes were counted, although the box was for a time irregularly in the custody of sitting Member. Volume **I,** section **759.**

Although election officers left the ballot box unguarded while adjourned for dinner, the returns were not rejected in the absence of evidence of fraud. Volume **II,** section **912.**

Only preponderating testimony that there was no fraud saved from rejection a poll whereat the election officers adjourned for dinner and removed the ballot box illegally. Volume **II,** section **1027.**

(73) Ballot Box.—In Elections by the People.—Custody of, in Relation to Recount.

A recount honestly made of ballots preserved inviolate is valid, although circumstances rendered impossible a technical compliance with law. Volume **II,** section **924.**

In order for a recount of votes to rebut the presumption in favor of the election officers it must be shown that the boxes have been kept inviolate. Volume **II,** section **847.**

The custody of the ballot boxes being suspicious the House declined to set aside the returns on the strength of a recount. Volume **II,** section **848.**

Ballots whereon the name of a candidate was spelled grotesquely and rejected by the election judges were counted on oral evidence sustained by a recount after the box had been in illegal custody. Volume **II,** section **987.**

(74) Conspiracy.—General Discussions as to Evidence of.

As to the evidence required to show a conspiracy to bribe. Volume **II,** section **11086.**

(75) Conspiracy.—Acts as Evidence of.

Discussion as to appointment of election officers of one party only as prima facie evidence of fraud. Volume **II,** section **1104.**

Disregard of a law requiring, party representation on election boards may contribute to establish conspiracy, but does not do so of itself. Volume **II,** section **974.**

(76) Conspiracy.—Must be Shown to Have Been Effective.

Although there may be evidence establishing a conspiracy to defraud, it is still necessary to show effects in order to change the result. Volume **II,** section **1025.**

To vitiate the election of returned Member, a general scheme of fraud must be proven both to have existed and to have been effective. Volume **II,** section **967.**

There being evidence of a conspiracy of election officers to defraud, the returns were satisfactorily impeached by evidence falling short of the best evidence, i.e., the testimony of the voters themselves. Volume **II,** section **1030.**

(77) Conspiracy.—Rejection and Correction of Returns for.

Gross frauds, perpetrated in such a way as to show connivance of election officers, caused rejection of the returns of all the precincts of a city. Volume **II,** section **920.**

Official ballots being destroyed in furtherance of a conspiracy of election officers, the House corrected the return on testimony of witnesses who estimated the amount of resulting injury. Volume **II,** section **1094.**

When by a conspiracy of officials ignorant election officers were installed and then their imperfect returns rejected, contestant was permitted to prove the vote aliunde by oral evidence of inspectors, etc. Volume **II,** section **965.**

When a conspiracy to bribe for the benefit of one party causes rejection of the return, should the innocent opposing party be credited with his unimpeached vote? Volume **II,** section **086.**

A question as to whether an estimate of persons kept from the polls by a conspiracy to intimidate should have weight in determining the result. Volume **I,** section **622.**

Upon proof of a conspiracy to defraud, the returns from the part of the district involved were rejected. Volume **VI,** section **138.**

ELECTIONS OF REPRESENTATIVES—Continued.

(78) Conspiracy.—In General.

A ballot complicated and unfair, but not shown to be issued in pursuance of any conspiracy, was not considered as a reason for discarding the return. Volume **I,** section **737.**

The House is reluctant, on allegations of general conspiracy of election officers, to reject unimpeached returns because other returns are shown to be fraudulent. Volume **II,** section **973.**

Although illiterate election officers seemed to have been appointed purposely, yet the House was reluctant to reject their returns when the safeguard of Federal inspectors had existed. Volume **II,** section **973.**

The House favored purging rather than rejecting the return of an entire county wherein a partisan county electoral board had so printed the ballot as to confuse voters. Volume **II,** section **1080.**

A memorial having been filed charging conspiracy and excessive expenditure of money in the election of a Senator, the Senate by resolution authorized an investigation. Volume **VI,** section **165.**

(79) Constituency.—Effect of Rejection of Large Portion of Returns.

The House declined to seat a contestant on the claim that after rejecting the greater part of a district he had a majority of the remainder. Volume **II,** section **1007.**

An election invalid in eleven out of twelve counties, leaving only 737 valid votes out of 8,941, should cause the seat to be declared vacant. Volume **I,** section **323.**

The House declined to admit a claimant on the vote of three out of seven parishes, 19,078 out of 27,019 votes having been rejected. Volume **I,** section **327.**

Nearly half the votes of a district being rejected, the Elections Committee in an inconclusive case favored a declaration that the seat was vacant. Volume **II,** section **926.**

An election being found invalid in three out of five counties in the district, the House declared the seat vacant, declining to seat the contestant. Volume **I,** section **321.**

Over half the vote being rejected because of undue influence, the committee in an inconclusive case favored declaring the seat vacant. Volume **II,** section **925.**

One-third of the votes of a district being rejected, the House did not seat contestant, but declared the seat vacant. Volume **II,** section **920.**

The returns of a decisive portion of the district having been lost and the vote not being proven aliunde, the House declined to declare the seat vacant or examine further before seating contestant. Volume **II,** section **914.**

The returns of 41 out of 116 election precincts being rejected, the contestant was seated on his plurality in the remaining precincts, which cast over half the returned vote. Volume **II,** section **1128.**

An election in a district was not declared void on account of invalidity in one-fifth of the parishes affecting less than a third of the vote. Volume **I,** section **340.**

The House considered an election valid, although in five of ten parishes the vote, which was less than half the vote of the district, was rejected. Volume **I,** section **335.**

The invalidity of an election in one county out of three did not justify declaring the seat vacant. Volume **I,** section **320.**

The House will not deny a district representation because reconstruction legislation as to the qualification of voters has been disregarded. Volume **VI,** section **128.**

The holder of credentials in due form whose prima facie title is not contested may not take the seat if a question exists as to the competency of the constituency. Volume **I,** section **375.**

Credentials regular in form and issued in accordance with law were honored by the House, although it appeared that the governor issuing them might be merely a de facto officer.Volume **I,** section **623.**

The House declined to give immediate prima facie effect to credentials when historic facts impeached the authority of the governor and the legality of the election. Volume **I,** section **519.**

ELECTIONS OF REPRESENTATIVES—Continued.

(79) Constituency.—Effect of Rejection of Large Portion of Returns—Continued.

Discussion in the Senate as to whether or not the competency of the electing body is a question of determining importance in considering the prima facie effect of credentials. Volume **I,** section **348.**

The question of the competency of the electing legislature as an inherent part of a prima facie showing discussed by the Senate. Volume **I,** section **348.**

The Senate failed to follow its committee in giving prima facie effect to regular credentials impeached by allegations that the legislature had been elected in violation of the provisions of Federal law, Volume **I,** section **394.**

The Senate declined to seat the bearer of credentials signed by a person exercising the authority of governor, it being objected that the signer was an usurper and that there was no election by a valid legislature. Volume **VII,** section **352.**

The Senate declined to give immediate prima facie effect to credentials regular in form but from a State where there were rival claimants to the governorship and rival legislatures. Volume **I,** section **354.**

The Senate gave immediate prima facie enect to perfect credentials certifying election by a legally organized legislature, although it was objected that popular will had been subverted in electing the legislators. Volume **I,** section **359.**

A person ascertained by a majority of the committee to be legally elected and certified was seated by the Senate, although both executive and legislature were displaced by force before the Senate acted.Volume **I,** section **356.**

A Senate discussion favoring recognition of a legislative body having a legally elected quorum in preference to one having an elected but not certified quorum.Volume **I,** section **358.**

A legislative body recognized by the State executive and having an elected but not certified quorum was once preferred to a rival body having a certified but not elected quorum. Volume **I,** section **343.**

(80) Constitutency.—Effect of Insurrection in a District.

The presumption that those who do not go to the polls acquiesce does not apply where a condition of civil war prevents due notice of election. Volume **I,** sections **366, 367.**

In time of civil war an election participated in by a small number of loyal voters was held invalid, more than two-thirds of the district being unable to participate. Volume **I,** section **369.**

The House declined to hold valid an election which was entirely broken up by contending armies, so that only fragmentary and informal returns could be obtained. Volume **I,** section **373.**

The House declined to hold valid an election participated in by a little less than half the voters of a district fivided between contending armies. Volume **I,** section **374.**

An election by one-third of the voters of a district was held invalid when the presence of an armed enemy prevented the remainder from expressing their wishes. Volume **I,** section **375.**

The House declined to recognize an informal election, participated in by a mere fraction of the voters, in a district entirely under military domination. Volume **I,** section **376.**

The House unseated a person chosen by a few votes at an election wholly informal in a district almost entirely under duress of civil war. Volume **I,** section **366.**

The House considered invalid an election informally held wherein all but a fraction of the voters were prevented by civil war from participating. Volume **I,** sections **362, 371, 372.**

The House decided against the validity of an election informally held and participated in by only a few voters, most of the district being occupied by an armed enemy. Volume **I,** sections **363, 367, 368.**

ELECTIONS OF REPRESENTATIVES—Continued.

(80) Constituency.—Effect of Insurrection in a District—Continued.

In 1864 the Elections Committee were divided as to seating persons chosen under authority of a constitutional convention in a State recently in insurrection. Volume **I,** section **381.**

The House seated a claimant who had received a third of the votes of a district, the remainder being cast for candidates for a secessionist congress. Volume **I,** section **365.**

An instance wherein the House recognized an election legal in form but participated in by a small fraction of the voters, the district being disturbed by civil war. Volume **I,** section **364.**

The House sustained an election generally participated in by the voters, although the district was under martial law and the military power enforced the State requirements as to qualifications of voters. Volume **I,** section **378.**

The House declined to seat a claimant voted for in a district established by an insurgent authority, and at an election called by that authority. Volume **I,** section **370.**

The House refused to seat a claimant chosen by a mere fraction of the people at an election informally called and held in a district under duress of armed enemies. Volume **I,** section **353.**

The fact that a decisive number of voters stand in line to vote and are prevented, justifies a declaration that the seat is vacant. Volume **II,** section **1033.**

From a State distracted by civil war the Senate admitted Senators chosen by a legislature representing no more than a third or fourth of the people. Volume **I,** section **383.**

The House declined to hold valid an election informally held and because of civil war participated in by only a small fraction of the voters of the district. Volume **I,** sections **362, 371, 372, 376.**

The House refused to seat a claimant chosen by a mere fraction of the people at an election informally called and held in a district under duress of armed enemies. Volume **I,** section **363.**

The House declared invalid an election informally held and participated in by a small fraction only of the voters, the district being largely occupied by an armed enemy. Volume **I,** section **368.**

(81) Constituency.—Effect of Intimidation on a District.

The House has decided that widespread and organized intimidation might invalidate the polls, although the disorder ceased before the actual day of election, when the polls were quiet. Volume **I,** section **331.**

The House concluded that when two-thirds of the returned vote of a district had been rejected for intimidation the remainder did not constitute a valid constituency. Volume **I,** section **333.**

The House declared vacant a seat in a case wherein over one-half of the total vote of a district had been rejected for intimidation. Volume **I,** section **334.**

Six of the nine counties of a district being terrorized, the committee, in a sustained report, held that the three peaceful counties, casting less than half of the returned vote, should determine the result. Volume **I,** section **622.**

The House, going outside the allegations of the parties and ascertaining by historic knowledge disturbances causing 232 deaths, declared an election invalid. Volume **I,** section **329.**

The House has assigned final right to a seat from a district wherein 14,346 out of 27,055 returned votes were rejected because of intimidation. Volume **I,** section **332.**

Intimidation and fraud having destroyed the integrity of an election in 10 of 15 parishes the House declared the seat vacant. Volume **I,** section **338.**

In a report not approved by the House the Elections Committee recommended that a seat be vacated because of intimidation in five-sixths of the district. Volume **I,** section **324.**

Over half the vote being rejected because of undue influence, the committee in an inconclusive case favored the seat vacant. Volume **II,** section **925.**

ELECTIONS OF REPRESENTATIVES—Continued.

(81) Constituency.—Effect of Intimidation on a District.—Continued

An election having been peaceable in three-fourths of a district, it was not declared invalid because of violence and intimidation in the remainder. Volume **I,** section **341.**

The House, overruling its committee, declined to declare invalid an election because of intimidation in certain counties by State troops on duty by order of the governor. Volume **I,** section **377.**

Although fraud and intimidation in a district had been very extensive, the House preferred seating contestant to declaring the seat vacant. Volume **II,** section **970.**

A question as to whether or not the House, from historic knowledge merely, may decide that the result of an election has been invalidated by intimidation. Volume **I,** section **327.**

The poll of a district in a prior year has been referred to in deciding upon the effect of a widespread system of intimidation. Volume **I,** section **331.**

The House declined, on proof of intimidation at eight precincts out of 150, to find general intimidation sufficient to render invalid an election. Volume **I,** section **377.**

Discussion of the extent of intimidation sufficient to invalidate an election and justify declaring the seat vacant. Volume **I,** section **325.**

In a case not sustained by the House a question of the degree of intimidation sufficient to justify rejection of the polls was discussed. Volume **I,** section **324.**

Returns of five of twelve parishes being rejected for intimidation, the House seated a contestant on the vote of the seven peaceful parishes. Volume **I,** section **336.**

The House, overruling its committee, held void an election in a county because of the intimidating influence of a preponderating disloyal element. Volume **II,** section **868.**

(82) Constituency.—Irregular Status of State Government.

In 1864 the Elections Committee favored the seating of claimants coming from districts almost free from armed foes, but elected in an election called by a loyal convention and by a fraction of a normal vote. Volume **I,** section **380.**

Instance wherein a constitutional convention in a State undergoing reconstruction authorized the election of Members of Congress in anticipation of the sanction of Federal law. Volume **I,** section **388.**

Reference to principles governing recognition of a State government by the President of the United States. Volume **I,** section **349.**

A constituency having violated the understanding on which it came into the Union, was the status of a Member-elect thereby affected? Volume **I,** section **480.**

The Senate declined to admit persons elected under the auspices of a State government representing a portion only of the people in a State menaced by hostile armies. Volume **I,** section **382.**

From a State distracted by civil war the Senate admitted Senators chosen by a legislature representing no more than a third or fourth of the people. Volume **I,** section **383.**

The Senate declined to admit to a seat a person bearing uncontested credentials of election by a legislature representing a small fraction of the people in a seceding State. Volume **I,** section **385.**

The House seated a person elected according to the essential requirements of law, except that the time of the election was fixed by proclamation of a military governor. Volume **I,** section **379.**

A new State constitution being recognized by State authorities and by Congress in the reception of Representatives, the House will not question it in an election case. Volume **II,** section **870.**

(83) Constituency.—Before Admission of States.

The House declined to admit the Member-elect from Illinois until the State had been formally admitted to the Union. Volume **I,** section **396.**

The House declined to admit the Member-elect from Michigan, except as a spectator, until the act admitting Michigan to the Union had become a law. Volume **I,** section **397.**

ELECTIONS OF REPRESENTATIVES—Continued.

(83) Constituency.—Before Admission of States—Continued.

It is not necessary that a State be admitted to the Union before it may elect a Representative to Congress. Volume **I,** section **397.**

The Senate declined to admit the persons bearing credentials as Senators-elect from Tennessee until that State had been admitted to the Union. Volume **I,** section **398.**

The Senate declined to admit a Senator-elect from Minnesota until a formal act of admission has been passed by Congress. Volume **I,** section **399.**

(84) Constituency.—Status of Precincts, Counties, etc.

The election district having been illegally constituted, the votes cast therein were rejected. Volume **II,** section **911.**

County commissioners having established election districts as a special meeting when the law specified a stated meeting the action was void. Volume **II,** section **911.**

The House rejected votes cast at a precinct on an Indian reservation which was by law excluded from the domain of a Territory. Volume **II,** section **889.**

The House counted votes cast at a precinct within a military reservation of which the title and jurisdiction were temporarily with the United States by Executive order. Volume **II,** section **889.**

It having been assumed for many years that a Territory was included within a precinct, voters should not be disfranchised by discovery of a technical defect. Volume **II,** section **1021.**

The State legislature having included a county within a Congressional district, the House did not examine whether or not it was technically entitled to be so included. Volume **II,** section **911.**

An election district being established illegally, but all parties participating in the election in good faith, is considered as having a de facto existence. Volume **II,** section **893.**

In 1866 the Speaker declined to administer the oath to persons whose credentials were regular, but who came from States declared by the two Houses not entitled to representation at the time. Volume **I,** section **139.**

Instance where in immediate prima facie effect was given to credentials of a Senator-elect from a reconstructed State. Volume **I,** section **390.**

The Senate declined to given prima facie effect to credentials impeached by charges that a State was not fulfilling in good faith the conditions of reconstruction. Volume **I,** section **391.**

An election district being established illegally, but all parties participating in the election in good faith, is considered as having a de facto existence. Volume **II,** section **893.**

A reservation being excluded by law from the limits of a Territory, the votes of persons residing thereon and not within the precinct, as required by law, were rejected by the committee. Volume **I,** section **616.**

The law requiring the voter to reside in the precinct, the votes of such as did not were rejected by the committee. Volume **I,** section **616.**

Votes from a county illegally organized, whose election officers were improperly commissioned, and where there was some fraud, were rejected. Volume **I,** section **840.**

A tainted vote from an illegally organized county was rejected. Volume **I,** section **840.**

Objection to the legality of the constitution of an election district, not raised in the notice of contest, was not considered. Volume **II,** section **893.**

In an exceptional case the House rejected votes cast by persons lately in armed resistance to the Government, although by the law of the State they were qualified voters. Volume **I,** section **451.**

In 1867 the Elections Committee took the view that charges of the disloyalty of a constituency should not prevent a person holding a regular certificate from taking a seat on his prima facie right. Volume **I,** section **448.**

The right of soldiers, sailors, and marines to exercise the privilege of suffrage is not abridged by Federal law. Volume **I,** section **300.**

ELECTIONS OF REPRESENTATIVES—Continued.

(84) Constituency.—Status of Precincts, Counties, etc.—Continued.

The State law being silent as to the right of paupers to vote, the House has counted the votes of such persons. Volume **I,** section **558.**

Paupers supported in a county poorhouse were held to have gained no residence in the town by reason of this enforced stay. Volume **I,** section **561.**

The electors choosing Members of the House must have the qualifications requisite for electors of the most numerous branch of the State legislature. Volume **I,** section **297.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the Statewherein they reside. Volume **I,** section **298.**

The rights of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. Volume **I,** section **299.**

A Federal statute provides that all citizens of the United States qualified to vote shall be allowed to do so without distinction of race, etc. Volume **I,** section **511.**

The right of citizens of the United States to vote shall not be denied or abridged on account of sex. Volume **VI,** section **38.**

No officer of the Army or Navy shall prescribe qualifications of voters, or interfere with the suffrage. Volume **I,** section **512.**

Reference to statutes providing penalties for interference with the rights of persons to suffrage (footnote). Volume **I,** section **511.**

A question as to whether or not the votes of persons deprived of citizenship by an act of Congress should be rejected in a case where the State law did not require a voter to be a citizen of the United States. Volume **I,** section **451.**

It is the duty of the executive of any State wherein there may be a controversy as to the appointment of electors to transmit to the Secretary of State of the United States a certificate of the determination thereof. Volume **VI,** section **439.**

The Elections Committee concluded in 1873 that if the Member-elect be disqualified the minority candidate is not thereby entitled to the seat. Volume **I,** section **469.**

The English law under which a minority candidate succeeds to a vacancy resulting from the disqualification of the majority candidate is not applicable under the Constitution. Volume **VI,** section **59.**

The person receiving the majority of the votes in a district being excluded as disqualified, the House after careful examination declined to seat the one receiving the next highest number. Volume **I,** section **450.**

The Elections Committee, in a report sustained on the main issue, held as an incidental question that the English law as to seating a minority candidate when a vacancy is caused by disqualifications is not applicable under the Constitution. Volume **I,** section **450.**

(85) Constituency.—Organization of Territories.

The House held that there should be prior legislation by Congress before the admission of a Delegate. Volume **I,** section **405.**

The House decided it inexpedient to admit a Delegate chosen by a community not yet made a Territory by law. Volume **I,** section **407.**

The House declined to admit a Delegate from New Mexico before the organization of the Territory had been authorized by law. Volume **I,** section **405.**

After the passage of the act organizing the Territory of Wyoming, but before the actual organization, the House declined to admit a Delegate elected before the passage of the act. Volume **I,** section **410.**

The House declined to admit a Delegate from an unorganized Territory, although by treaty the people were entitled to the rights of citizens. Volume **I,** section **411.**

In 1839 the Committee on Elections held that the office of Delegate ceased when the Territory ceased to exist as a corporation by becoming a State. Volume **I,** section **403.**

ELECTIONS OF REPRESENTATIVES—Continued.

(85) Constituency.—Organization of Territories—Continued.

The State of Minnesota being admitted, the House suspended the functions of the Delegate from the old Territory. Volume **I,** section **409.**

A Delegate was not dispossessed of his seat because a portion but not all of his Territory had been erected into a State. Volume **I,** section **402.**

After the admission of Minnesota as a State the House declared portions of the old Territory outside the limits of the State not entitled to a Delegate. Volume **I,** section **409.**

The House admitted a Delegate from a county left under the old Territorial laws after the remainder of Wisconsin Territory had become a State. Volume **I,** section **404.**

In 1794 the Delegate seated by the House was elected by the legislature of the Territory and not by the people. Volume **I,** section **400.**

The House declined to reverse its conclusion that a Delegate, elected in pursuance of a law enacted by an illegally constituted legislature, should not retain his seat. Volume **I,** section **827.**

The House declined to admit a Delegate from a Territory not organized by law. Volume **I,** section **412.**

In 1868 the House refused a seat to a contestant who received a small minority of the votes in a Territory, but who alleged that the majority voters were disqualified by treasonable antagonism to the Government. Volume **I,** section **467.**

In 1868 the House declined to pass on the title to a seat of William H. Hooper, Delegate from Utah, who was alleged to have been elected by undue influence of an alleged disloyal organization. Volume **I,** section **467.**

(86) Constituency.—Condition as Affecting Prima Facie Title.

Persons bearing credentials regular in form, but coming from communities disorganized by civil war, have been excluded until Congress should determine the status of the constituencies. Volume **I,** section **361.**

The House adjudged valid for prima facie title an election wherein parishes casting 14,346 out of 27,055 votes in the district were rejected. Volume **I,** section **328.**

The House declined to give prima facie effect to the credentials of a Delegate elected by a convention in an unorganized Territory. Volume **I,** section **405.**

The House declined to give prima facie effect to credentials from a Territory not yet organized. Volume **I,** section **410.**

The House declined to give prima facie effect to credentials regular in form but referring to a district notoriously under duress of civil war. Volume **I,** section **371.**

The House declined to give prima facie effect to informal papers referring to an election in a district known to be under duress of civil war. Volume **I,** sections **363, 365, 369.**

The House denied prima facie title to a person enrolled by the Clerk on credentials signed by a mere claimant to the governorship in a State disrupted by civil war. Volume **I,** section **376.**

The House seated a loyal claimant voted for at an election called on the legal day, but by the governor of a State in secession. Volume **I,** section **365.**

Credentials being impeached, the status of the district under an appointment law is a question of final rather than prima facie right. Volume **I,** sections **535, 536.**

Credentials regular in form have been presented as a matter of privilege, although the status of the constituency was, by reason of civil war, in doubt. Volume **I,** section **361.**

The House declined to give prima facie title to the bearer of informal credentials referring to a constituency notoriously paralyzed by civil war. Volume **I,** sections **363, 365.**

The House declined to give prima facie effect to irregular credentials, referring to a district notoriously under duress of civil war. Volume **I,** section **369.**

The House declined to seat on prima facie showing a claimant declared elected by the governor's proclamation, the district referred to being notoriously under duress of civil war. Volume **I,** section **368.**

ELECTIONS OF REPRESENTATIVES—Continued.

(86) Constituency.—Condition as Affecting Prima Facie Title.—Continued.

The House declined to give prima facie effect to credentials in the form prescribed by a government already suspended, and referring to a district distracted by war. Volume **I,** section **374.**

The House did not permit prima facie effect to credentials coming from a State lately in insurrection and from a government of doubtful standing. Volume **I,** section **381.**

The House admits on his prima facie showing and without regard to final right a Member-elect from a recognized constituency whose credentials are in due form and whose qualifications are unquestioned. Volume **I,** sections **528–534.**

The holder of credentials in due form, whose prima facie title is not contested, may not take the seat if a question exists as to the competency of the constituency. Volume **I,** section **375.**

Discussion of the form of credentials and the competency of the electing and certifying authorities behind them as elements in their efficacy. Volume **I,** section **350.**

Discussion in the Senate as to whether or not the competency of the electing body is a question of determining importance in considering the prima facie effect of credentials. Volume **I,** section **348.**

Credentials being in regular form and unimpeached, the House honors them, although there may be a question as to the proper limits of the constituency. Volume **I,** sections **535, 536.**

The House declined to give prima facie effect to regular credentials, having historic knowledge that the district was incapacitated by civil war from holding a regular election. Volume **I,** section **364.**

The House declined to honor credentials regular in form, but referring to a constituency notoriously incapacitated by civil war. Volume **I,** sections **362, 371.**

The Constitution requires election of Representatives by the people, and State authorities may not determine a tie by lot. Volume **I,** section **775.**

An election for Congressmen not called or sanctioned by State officers and participated in by a fraction merely of the people would not be valid, even though held on the legal day. Volume **I,** section **525.**

A claimant who received a small vote, not officially canvassed or declared, but cast on the legal day, was preferred to one receiving a far larger vote on a day not the legal one. Volume **I,** section **524.**

The fact that a large portion of the electors fail to participate does not invalidate an election held on the legal day. Volume **I,** section **524.**

The House seated a claimant elected on what it decided to be the legal day. Volume **I,** section **522.**

The State legislature in fixing the place of election may condition the place on the movement of soldier voters. Volume **II,** section **856.**

Instance of an election contest originated by sundry citizens. Volume **I,** section **555.**

A contention that the admissions of a claimant might not waive a prima facie title in which the people of the district were interested. Volume **I,** section **45.**

Omission to specify definitely in the notice of contest a district alleged to be illegally constituted was not held fatal. Volume **II,** section **859.**

(87) Contests.—House's Duty in.

Although a contestant declined to prosecute further, the House declined to let the case abate and concluded the inquiry. Volume **I,** section **734.**

Where a second and effective election was had because of apparent failure to choose at the first, the House declined to be estopped from investigating the first. Volume **I,** section **779.**

In a case where neither claimant was seated on prima facie showing the House investigated and determined the contest, although one claimant defaulted in answering notice of contest. Volume **I,** section **624.**

ELECTIONS OF REPRESENTATIVES—Continued.

(87) Contests.—House's Duty in—Continued.

The Committee on Elections has apparently acquiesced in the view that a contestant, while bringing into issue no ground that could possibly give him the seat, is yet to be treated as a memorialist entitled to have questions determined. Volume **I,** section **425.**

The House may investigate a contested election of a Delegate as of a Member. Volume **I,** section **772.**

Discussion of impartiality of the House as evidenced in the consideration and disposition of contested-election cases. Volume **VI,** section **160.**

The certificate of the governor of a State as to the election of a Member is only prima facie evidence of the fact. Volume **I,** section **637.**

Credentials issued by a governor raising a doubt as to election, the Clerk and the House declined to allow to them prima facie effect, although positive credentials authorized by the State legislature accompanied. Volume **I,** section **522.**

The fact that a return has been accepted and acted on by State authorities does not cure its inherent defects. Volume **II,** section **892.**

A seat being declared vacant, the Speaker was directed to inform the executive of the State. Volume **I,** section **709.**

Discussion of the powers of a military governor and his status as a de facto executive. Volume **I,** section **379.**

In the record of an election case allegations and testimony relating to nominations are out of order. Volume **I,** section **425.**

Incompetent testimony and long statements by counsel tending to present such evidence should not be included in the record of an election case. Volume **II,** section **1127.**

Admissions in the brief of a party to a contest are of force if not contrary to proven facts. Volume **II,** section **1130.**

The House is disinclined to give force to a point raised in debate but overlooked both in the report and views of the Elections Committee. Volume **II,** section **958.**

The committee having reported a conclusion in an election case, the House declined to pass judgment on the propositions leading to the conclusion. Volume **I,** section **786.**

The House overruling its committee concluded to decide an election case as made up without giving sitting Member time for further investigation. Volume **I,** section **767.**

All agreements by parties to an election case in contravention of the provisions of law should be in writing, properly signed, and made a part of the record. Volume **I,** section **730.**

Early instance wherein the Elections Committee heard arguments of the parties on the evidence. Volume **I,** section **782.**

A question as to whether the duties of sitting Member to the House excuse him for neglecting to attend on taking of testimony in an election case. Volume **I,** section **785.**

Discussion as to the admissibility of testimony taken when one of the parties considered himself unable to attend. Volume **I,** section **785.**

In 1792, 1804, and 1841 the House permitted parties in election cases to be heard by attorneys at the bar of the House. Volume **I,** sections **657–659.**

One of the parties to an election case having failed to attend the taking of testimony, after notification, the House considered the testimony, although ex parte. Volume **I,** section **646.**

A party to an election case may object to testimony as it is completed, although he may have appeared and cross-examined. Volume **II,** section **936.**

The right of contestee to cross-examine and present testimony was conceded in the first election case. Volume **I,** section **717.**

The House is the judge of the elections, returns, and qualifications of its own Members. Volume **I,** section **634.**

Discussion of the distinction between the power to judge of the elections, returns, and qualifications of the Members and the power to expel. Volume **I,** section **469.**

ELECTIONS OF REPRESENTATIVES—Continued.

(87) Contests.—House's Duty in—Continued.

In an exceptional case the House rejected votes cast by persons lately in armed resistance to the Government, although by the law of the State they were qualified voters. Volume **I,** section **451.**

The House has the same authority to determine the right of a Delegate to his seat that it has in the case of a Member. Volume **I,** section **423.**

The law governing the service of notice by the party desiring to take a deposition in an election case. Volume **I,** section **697.**

Decision as to what is a determination of result within the meaning of the law providing for serving notice of contest. Volume **II,** section **862.**

Question as to the serving of amended notices of contest in election cases. Volume **I,** section **685.**

The service of notice of contest at the residence is sufficient compliance with the law. Volume **I,** section **337.**

As to what constitutes a sufficient service of notice of contest when the returned Member is absent from home. Volume **II,** section **984.**

It was held, in 1866, that under the law of 1851 notice of contest must be served upon the returned Member personally. Volume **II,** section **862.**

It was held, in 1866, that proof of notice of service of contest might not be by affidavit of the officer serving the notice. Volume **II,** section **862.**

As to validity of an answer with no proof of service except an ex parte affidavit. Volume **II,** section **957.**

Although service of notice of taking testimony may be irregular, if the party yet is informed and appears and cross-examines, the House may consider the evidence. Volume **II,** section **1057.**

Instance wherein the House authorized a subpoena duces tecum by registered letter. Volume **I,** section **731.**

The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I,** section **680.**

Instance wherein the returned Member in an election case took no testimony. Volume **II,** section **1072.**

(88) Contests.—Present and Early Methods of Instituting and Conducting.

Statutes prescribing the method of instituting a contest as to an election. Volume **I,** section **678.**

Statutes regulating the taking of testimony in an election contest. Volume **I,** sections **697–706.**

The law regulating the fees of witnesses and officers in the preparation of an election case. Volume **I,** section **706.**

There being no law of Congress to regulate election contests, proceedings taken according to State law were approved. Volume **I,** section **812.**

In the first election case the Committee on Elections were directed to take proofs, but not to present any opinion thereon. Volume **I,** section **420.**

In 1791 the House admitted the contestant and his counsel to the bar to produce testimony in an election case. Volume **I,** section **709.**

The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statute, the committee did not examine the case. Volume **II,** section **901.**

Instance of a case instituted by memorial from an elector of the district. Volume **VI,** section **77.**

Instance wherein an election contest was instituted by memorial. Volume **VI,** section **119.**

Instance wherein a memorial was referred to an election committee and on recommendation of the committee was laid on the table. Volume **VI,** section **136.**

ELECTIONS OF REPRESENTATIVES—Continued.

(88) Contests.—Present and Early Methods of Instituting and Conducting—Continued.

Instance wherein the House overruled the report of the majority of the elections committee. Volume **VI,** section **95.**

A report on an election case with no recommendation for action was not considered by the House. Volume **VI,** section **100.**

Instances wherein the House declined to follow its committee in awarding the seat of a Member of the minority to a Member of the majority party. Volume **VI,** section **160.**

An instance wherein, under exceptional circumstances, a committee authorized to investigate matters pertaining to a campaign then in progress held hearings prior to the election. Volume **VI,** section **355.**

A committee of the House has no jurisdiction to determine any matter affecting rights to a seat in a succeeding Congress. Volume **VI,** section **136.**

(89) Contests.—Formerly Instituted by Petition.

In earlier years of the House contested election cases were presented by petition. Volume **I,** section **434.**

Instance of a claim for a seat brought before the House by petition. Volume **I,** sections **322, 362, 370, 547, 708.**

Instance wherein an election contest was instituted by various citizens of a district, presentation to the House being by memorial. Volume **I,** sections **729, 756, 763, 808.**

In 1849 election contests were instituted by memorial. Volume **I,** section **815.**

In 1850 election contests were yet instituted by memorial and conducted by rule laid down by the House. Volume **I,** section **820.**

Instance in 1861 of an election contest instituted by memorial. Volume **I,** section **686.**

Instance wherein an election contest was instituted by memorial after the enactment of the law of 1851. Volume **I,** section **825.**

Instance of an election contest instituted by the remonstrance of citizens and electors of the district. Volume **I,** section **806.**

Instances of early election cases instituted by petition. Volume **I,** section **646.**

An instance after the enactment of the law regulating election contests wherein a contest was instituted by petition. Volume **I,** section **525.**

An early election case instituted by petition and tried before the House. Volume **I,** section **758.**

A suggestion that questions relating solely to qualifications of Members should be brought in by memorial rather than by proceedings in contest. Volume **I,** section **435.**

An argument that questions effecting qualifications should be instituted in the House alone and not by proceedings under the law of contest. Volume **I,** section **473.**

Instance of the impeachment of the election and qualifications of a Delegate through proceedings instituted by memorial. Volume **I,** section **526.**

An election case may be instituted by a contest filed in accordance with the law, by protest or memorial from an elector of the district, by protest or memorial filed by any other person, or on motion of a Member of the House. Volume **VI,** section **78.**

Form of petition instituting an early election case. Volume **I,** section **708.**

(90) Contests.—Specially Instituted and Directed by the House.

Instance wherein the House, by resolution, removed the contested election cases of a State from the operation of the law and prescribed a different procedure. Volume **I,** section **330.**

For exceptional reasons the House may authorize an election case to be made up as to notice and answer after the time prescribed by law. Volume **I,** section **680.**

A contestant having failed to make up his case legally filed an affidavit explaining his failure, and asked a special investigation by the House. Volume **I,** section **753.**

Where the provisions of law are insufficient to secure a decision in an election case the House prescribes by resolution the course of procedure. Volume **I,** section **339.**

ELECTIONS OF REPRESENTATIVES—Continued.

(90) Contests.—Specially Instituted and Directed by the House—Continued.

In 1858 the House deemed insufficient reasons urged by a contestant for proceeding in a manner different from that prescribed by the law of 1851. Volume **I,** section **833.**

In an election case not provided for by statute, the House by resolution determined the condition of its prosecution. Volume **I,** section **322.**

The House may give to its Elections Committee discretion to regulate the serving of notice and taking of testimony in an election case. Volume **I,** section **599.**

The House having historic knowledge of an election contest, referred the subject to the committee with instructions, although neither party was petitioning. Volume **I,** section **791.**

Instance wherein, after a delayed decision as to the prima facie right, the House itself fixed the time for instituting proceedings to contest. Volume **II,** section **1042.**

Where the taking of testimony was suspended by contestant's death, the House itself took additional testimony, but considered the original case continued. Volume **II,** section **1018.**

The House, in a case wherein the terms of the law would prevent taking testimony in an election case in time for decision, provided a method by resolution. Volume **I,** section **713.**

The House by resolution sometimes fixes the time of taking testimony, specifies the kind of testimony to be taken, and the places where it may be taken. Volume **I,** section **602.**

The evidence in an election case conducted according to law being insufficient, the House authorized its committee to take addititional testimony. Volume **I,** section **711.**

Instance wherein testimony in an election case was, in the absence of law or rule, taken by direction of the committee. Volume **I,** section **793.**

Instance wherein the Elections Committee, on the strength of a memorial from contestant and general knowledge, recommended taking testimony more expeditiously than provided by law. Volume **I,** section **714.**

Instance wherein the House authorized the Elections Committee to send for persons and papers in an election case already made up. Volume **I,** section **731.**

The revocation of credentials having reversed the position of the parties, the House by resolution authorized investigation without regard to notice. Volume **I,** section **687.**

Parties to a contested election case may be defaulted for noncompliance with the rules of the committee on elections. Volume **VI,** section **117.**

(91) Contests.—Forms and Resolutions for Instituting.

Rule prescribed by the House for serving notice and taking testimony in a delayed election case. Volume **I,** section **686.**

(92) Contests.—Inquiries Under the Power of General Investigation.

Instance of an inquiry into a Member's title to his seat by the Elections Committee under authority of general investigations. Volume **I,** section **764.**

An election case having been suspended by the assassination of contestant, the House directed the Elections Committee to inquire and report as to further proceedings. Volume **II,** section **1018.**

The House authorized an investigating committee to take testimony in a district wherein the contestant had been assassinated. Volume **II,** section **1018.**

Form of resolution providing for the Kansas investigation of 1856. Volume **I,** section **826.**

(93) Contests.—Maintained Where Returned Member Does Not Take the Seat.

An instance wherein a contest was maintained against a Member-elect who had not taken and did not take the seat. Volume **I,** section **415.**

Instance wherein a contest was maintained and contestant seated, although the returned Member had resigned before taking his seat. Volume **II,** section **985.**

In the Kentucky cases, in 1868, a contest was presented and sustained against a person to whom the House had refused the oath on his prima facie showing. Volume **I,** sections **450, 452.**

ELECTION OF REPRESENTATIVES—Continued.

(93) Contests.—Maintained Where Returned Member Does Not Take the Seat—Con.

Instance wherein the House decided an election contest against a returned Member who had not appeared to claim the seat. Volume **I,** section **638.**

(94) Contests.—Citizens and voters as Parties to.

The electors are interested parties to a contest, and may not be precluded by any laches of contestant or returned Member. Volume **I,** section **863.**

Instance of an election contest originated by sundry citizens. Volume **I,** section **555.**

Instance wherein citizens of a district, in memorial, participated in an election contest. Volume **I,** section **803.**

Distinction between a controversy at the polls as to a vote, and a controversy before the Elections Committee, where the voter is not a party. Volume **I,** section **796.**

Discussion of the status of the voter as a party to the proceedings in a contested election case. Volume **II,** section **885.**

The House declined the petition of certain electors in a district asking leave to take testimony in an election case. Volume **I,** section **683.**

Instance of a case instituted by memorial from an elector of the district. Volume **VI,** section **77.**

The parties complaining of an undue election failing to present evidence, the House did not pursue the inquiry. Volume **I,** section **808.**

Instance of an election case instituted by memorial from sundry citizens and electors of the district. Volume **I,** section **763.**

Instance of an election contest instituted by a memorial from citizens of the district. Volume **I,** section **808.**

The House declined to assist sundry petitioners in a district to collect testimony in proof that the seat of a returned Member should be declared vacant. Volume **I,** section **763.**

Discussion as to whether or not the voters are parties to an election case in the sense that their declarations are admissible to prove their votes. Volume **II,** section **988.**

(95) Contests.—In General.

A contestant must sustain by evidence his claim that he was elected. Volume **II,** section **1083.**

As to the force to admissions by counsel during argument of an election case. Volume **II,** section **1130.**

Instance wherein final action was not taken in an election case. Volume **VI,** section **155.**

Contestant having prevented the evidence by which contestee sought to answer contestant's charges, the House declined to permit contestant to profit thereby. Volume **II,** section **940.**

Contestant producing no legal evidence as to the return, and nothing to show that such return might not have been produced, parol evidence as to vote was not considered. Volume **II,** section **1013.**

Where no proof was adduced to support in any substantial way the allegations made in the notice of contest, the committee recommended confirmation of the right of the sitting Member to his seat. Volume **VI,** section **187.**

Before considering an election case the Elections Committee corrected the official plurality by including a precinct return omitted from the State canvass. Volume **II,** section **1050.**

Before the completion of the organization of the House, in 1869, the Clerk refused to entertain a motion referring to a committee a subject relating to the election of a Member, Volume **I,** section **78.**

The seat of the Speaker being contested he vacated the chair on every question relating to the contest. Volume **I,** section **809.**

The report on the contest for the seat occupied by Mr. Speaker Carlisle was presented and acted on in his absence from the House. Volume **II,** section **1361.**

ELECTION OF REPRESENTATIVES—Continued.

(95) Contests.—In General—Continued.

The Speaker's seat being contested, he requested that the House relieve him of the appointment of the Committee on Elections, and the request was granted. Volume **II,** sections **1360, 1361.**

The fact that a Member's seat is contested in not necessarily taken into account in appointing him to committees. Volume **IV,** section **4488.** Volume **VIII,** section **2194.**

Instance wherein a Member who had been seated by the House in a contested-election case was restored to original rank on committees. Volume **VIII,** section **2196.**

Instance wherein the returned Member in an election case took no testimony. Volume **II,** section **1072.**

A Member whose seat was being contested did not vote on a question incidental to the contest. Volume **VI,** section **80.**

Unfair campaign tactics directed at one candidate may not be taken as basis of a contest in behalf of another candidate on the same ticket. Volume **VI,** section **154.**

The mere fact that candidates for other offices on the same ticket received large majorities while contestant received a minority of the votes cast, does not justify a contest. Volume **VI,** section **117.**

Libelous abuse of a defeated candidate by party adherents of the returned Member for which the latter is in no way responsible does not furnish grounds for contest. Volume **VI,** section **137.**

Excessive and unlawful amounts of money spent without the knowledge or consent of the candidate do not warrant the sustaining of a contest. Volume **VI,** section **165.**

Instance in which an elections committee recommended that unwarranted contests be discouraged. Volume **VI,** section **161.**

A person on having unsuccessfully instituted five consecutive election contests the House expressed the hope that the fifth would be the last. Volume **VI,** section **130.**

The law governing the filing of contestant's and contestee's briefs in an election case, and the printing thereof. Volume **I,** section **705.**

In the record of an election case allegations and testimony relating to nominations are out of order. Volume **I,** section **425.**

The majority of the Elections Committee, in a sustained case, concluded that the House was not concerned about undue influence used in the nominations of a candidate. Volume **I,** section **46.**

Report of an Elections Committee is sometimes presented by a Member belong to the minority party in the House (footnote). Volume **II,** section **957.**

Instance wherein a Member of the House was authorized to act as a Member of the Elections Committee during the consideration of certain cases. Volume **I,** section **636.**

Instance wherein a contestant belonging to the party in the minority in the House was seated. Volume **I,** section **46.**

A Territorial legislature of impeached status living by law virtually disfranchised qualified voters, the Elections Committee considered the status of the returned Delegate adversely affected. Volume **I,** section **827.**

The rule gives to the Committee on Election of President, Vice-President, and Representatives in Congress jurisdiction of subjects relating to the election of the officials enumerated in the designation. Volume **IV,** section **4299.**

The House sustained an election generally participated in by the voters, although the district was under martial law military power enforced the State requirements as to qualifications of voters. Volume **I,** section **378.**

The reports of the census taken for a city directory, produced from the archives of the city and proved by the takers, were admitted as prima facie evidence as to qualifications of voters. Volume **I,** section **843.**

The House declined to be bound by a decision of a State court on an analogous question, but not the identical question of qualifications of voters. Volume **II,** section **909.**

ELECTIONS OF REPRESENTATIVES—Continued.

(95) Contests.—In General—Continued.

Reference to rules governing counting of votes when freehold qualifications prevailed. Volume **I,** section **780.**

Instance wherein the House rejected votes as disqualified without ascertaining the names of the voters or the precincts wherein they voted. Volume **II,** section **985.**

The House should not count a bribed vote, although no State law may require its rejection. Volume **II,** section **1125.**

Distinction between qualifications and returns and elections as related to jurisdiction of the Committee on Elections. Volume **II,** section **946.**

The Elections Committee held copies of muster rolls of a regiment prima facie evidence of the age of soldier voters. Volume **II,** section **851.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

Form of resolution authorizing notice of contest and taking of testimony in case of a claimant whose opponent had been eliminated by reason of disqualifications. Volume **I,** section **621.**

(96) Contestant.—Privilege of the Floor and Debate.

The practice of giving general permission to claimants for seats to enjoy the privileges of the floor was embodied in a rule in 1880. Volume **I,** sections **669–672.**

The House in early years gave the privileges of the floor to contestants during discussion of the reports on their cases, with leave to speak on the merits. Volume **I,** sections **663–665.**

Form of resolution used in 1848 to give to a contestant the right to be heard in person at the bar of the house. Volume **I,** section **667.**

The House in one case included the right to speak to the merits, with a general permission to contestants to enjoy the privileges of the floor. Volume **I,** section **669.**

A contestant having the privilege of the floor, with leave to speak "to the merits of said contest and the report thereon," was permitted to speak on a preliminary question. Volume **I,** section **668.**

A contestant for a seat, being heard on the floor in his own behalf, is subject to all the rules of debate applying to the Members. Volume **II,** section **1368.**

In 1859 the Senate declined to admit claimants of seats to the privileges of the floor. Volume **I,** section **546.**

Discussion as to the rights of a contestant, who is permitted to address the House, to close debate in a contested-election case. Volume **V,** section **5001.**

The contestant in an election case is sometimes permitted to address the House in his own behalf. Volume **I,** section **662.**

Members of Congress, Members-elect, and under certain conditions ex-Members of the House and contestants in election cases have the privilege of the floor. Volume **V,** section **7283.** Volume **VIII,** section **3634.**

Instance wherein the House denied the privileges of the floor to a claimant for a seat. Volume **I,** section **315.**

(97) Contestant.—In General.

An instance wherein, at the organization of the House, before the enactment of the law as to the Clerk's roll, two claimants to a seat were present and participated in the proceedings. Volume **I,** section **53.**

In 1839 certain persons whose titles as Members-elect were contested assumed to participate in the organization, but the meeting passed on the vote of each after it had been given. Volume **I,** section **103.**

Instance wherein a person declined to take a seat assigned him after a contest as to final right. Volume **I,** section **650.**

One who had been declared elected to a seat in the House having failed to appear the House directed the State executive to be notified of its action. Volume **II,** section **1234.**

ELECTIONS OF REPRESENTATIVES—Continued.

(97) Contestant.—In General—Continued.

The acceptance after election of a State office which was resigned before the meeting of Congress was held not to destroy whatever rights a contestant might have. Volume **I,** section **779.**

Early instance wherein compensation was voted to a contestant. Volume **I,** section **805.**

The House being organized, but a quorum having failed, the Speaker declined to administer the oath to a contestant who had been declared elected. Volume **II,** section **875.**

Payment of the expenses of a contestant by sitting Member on condition of latter's withdrawal was not held as a corrupt obtaining of the seat. Volume **II,** section **901.**

Contestant having agreed to abide by decision of election commissioners is precluded from disputing the result of their count. Volume **VI,** section **117.**

A contestant is estopped from charging against the contestee irregularities which he himself practiced. Volume **VI,** section **127.**

A committee of the House in passing on an election contest expressed disapproval of the course of the contestant in applying to local courts when Congress was in session. Volume **VI,** section **187.**

Instance wherein a Federal court issued a temporary restraining order enjoining contestant from further proceeding in an election case. Volume **VI,** section **100.**

The constitutionality of a State's election laws being challenged, the House declared contestant not elected without passing on the title of the sitting Member to his seat. Volume **VI,** section **128.**

Disqualification of the Member-elect does not authorize the seating of a contestant not found to be elected. Volume **VI,** section **58.**

Instance wherein the house declined to seat a contestant belonging to the majority party in the House. Volume **VI,** section **162.**

A person on having unsuccessfully instituted five consecutive election contests the House expressed the hope that the fifth would be the last. Volume **VI,** section **130.**

A contestant having conceded certain votes on a construction of law at variance with the committee's, the votes were left to his credit. Volume **II,** section **1010.**

(98) Contestee.

In absence of evidence to incriminate him a returned Member is presumed innocent as to acts of agents of his party. Volume **II,** section **944.**

Instance wherein, pending decision on an election case, the sitting Member resigned for a new appeal to the people. Volume **I,** section **805.**

Instance wherein returned Member, while a contest was pending in committee, stated to the House that he was not elected. Volume **I,** section **742.**

When a canvassing officer had, without doubt, wrongfully rejected a decisive return, it was held that the burden of proof should be on the wrongfully returned Member. Volume **II,** section **883.**

A question as to whether the duties of sitting Member to the House excuse him for neglecting to attend on taking of testimony in an election case. Volume **I,** section **785.**

Where it appeared that even if contestant's contentions were conceded the contestee would still have a majority of the votes cast, the House confirmed the title of sitting Member. Volume **VI,** section **111.**

It being admitted that the contestee had a majority of the votes cast, the committee declined to pass on disputed ballots submitted for their consideration. Volume **VI,** section **169.**

A Member whose seat was being contested did not vote on a question incidental to the contest. Volume **VI,** section **80.**

The fact that a Member's seat is contested is not necessarily taken into account in appointing him to committees. Volume **VIII,** section **2194.**

Instance where a Member who had been seated by the House in a contested-election case was restored to original rank on committees. Volume **VIII,** section **2196.**

ELECTIONS OF REPRESENTATIVES—Continued.

(98) Contestee—Continued.

Where contestant's case did not overcome returned Member's majority the House did not consider the returned Member's counter charges. Volume **II,** section **1084.**

Certain petitioners against the right of a returned Member to his seat having impugned his personal conduct in the election the House rendered a decision thereon. Volume **I,** section **763.**

A returned Member whose seat is contested is nevertheless eligible to appointment on any committee. Volume **II,** section **1018.**

The Speaker's seat being contested he requested that the House relieve him of the appointment of the Committee on Elections and the request was granted. Volume **II,** section **1360.**

(99) Corrupt Practices Act.—Limits Expenditure of Money by Candidates.

The amount of money which may be expended by a candidate's for Congress in his campaign for elections is limited by law. Volume **VI,** section **67.**

The power of Congress to enact legislation relative to campaign receipts and expenditures in primary and general elections affirmed. Volume **VI,** section **70.**

Excessive and unlawful amounts of money spent without the knowledge or consent of the candidate do not warrant the sustaining of a contest. Volume **VI,** section **165.**

Solicitation or disbursement of excessive sums in primary and general elections not to be considered when made without candidate's knowledge or consent. Volume **VI,** section **73.**

A candidate who purposely remained in ignorance of the acts of agents in his behalf when the means of information were within his control was held to have ratified such acts and to have assumed responsibility therefor. Volume **VI,** section **79.**

The House unseated returned Member for whom campaign expenditures had been made in excess of amount permitted under the corrupt practices act. Volume **VI,** section **75.**

The law requiring statements by candidates of expenses incidental to election to House or Senate does not provide for their publication. Volume **VI,** section **71.**

Expenditures or newspaper advertisement and the circulation of form letters held not to constitute improper use of money. Volume **VI,** section **73.**

Expenditure of money for advertising space or editorial comment in newspaper or for the hiring of speakers personal workers held not to constitute bribery. Volume **VI,** section **84.**

(100) Corrupt Practices Act.—As Affecting Primary Elections.

The application of provisions of the corrupt practices act to party primaries. Volume **VI,** section **70.**

The phrase "any political purpose" in the Federal corrupt practices act is construed to include a primary election. Volume **VI,** section **68.**

The Supreme Court invalidated, as unconstitutional, a Federal a statute requiring sworn statements or receipts and expenditure and limiting the amount of money which might be used in procuring nomination as candidate for Representative or Senator. Volume **VI,** section **69.**

The Federal corrupt practices act held to be unconstitutional so far as it relates to nominations. Volume **VI,** section **76.**

Expenditures of large sums of money in the primary condemned, but where not shown to have been illegal or improper, held not to affect the title of the sitting Member to his seat. Volume **VI,** section **73.**

Objections to irregularities in the nomination of a candidate for office must be made prior to the election, and come too late thereafter. Volume **VI,** section **188a.**

Laches on the part of the contestant in attempting to prevent, by injunction or otherwise, the placing of the contestee's name on the ballot was held to waive any irregularity connected with the primary. Volume **VI,** section **188a.**

ELECTIONS OF REPRESENTATIVES—Continued.

(100) Corrupt Practices Act.—As Affecting Primary Elections—Continued.

Decision of Federal court confirming the right of duly constituted congressional committees of investigation to inquire into matters pertaining to primary elections. Volume **VI,** section **355.**

A party committee authorized under the State code to fix the qualification of candidates, may exclude candidates failing to meet such qualifications and the failure of the committee to fix similar qualifications for voters does not affect the legality of the primary for which such qualifications were established. Volume **VI,** section **188a.**

Voters are not required to determine the legal eligibility of candidates to a place on the ballot and an election otherwise valid will not beheld invalid because the certificate of nomination of the successful candidate is defective through the omission of some detail. Volume **VI,** section **188a.**

Discussion of litigation in State courts to place names of candidates on the ballot. Volume **VI,** section **165.**

The House is not bound to take cognizance of the manner of nomination unless fraudulent methods appear to have thwarted the will of the electorate. Volume **VI,** section **93.**

Irregularity of nomination does not prejudice claimant's case in the House. It is sufficient if the candidate's name was duly certified as required by law and printed on the ballot at the November election. Volume **VI,** section **93.**

An investigation disclosing no evidences of bribery, the failure of a candidate to comply with a State statute in the itemization of expenditures in a primary, was held to be a matter for the consideration of the State authorities in determining whether his name should be placed on the ballot and whether, after election, a certificate of election should be issued, and not pertinent to the determination of an election contest in the Senate. Volume **VI,** section **188b.**

(101) Corrupt Practices Act.—As Affecting Validity of Elections.

Violation of the corrupt practices acts, either Federal or State, are tried in the respective courts having jurisdiction and not in the House of Representatives, but any Member found to have violated such acts is subject to prompt expulsion. Volume **VI,** section **77.**

The statute requiring filing of statements of receipts and expenses of candidates in directory rather than mandatory, and failure to comply with its requirements will not invalidate elections. Volume **VI,** section **76.**

The willful making of a false oath to statements required by the corrupt practices act constitutes perjury. Volume **VI,** section **77.**

Failure to file with the Clerk of the House before and after election affidavits required by law held not to justify vacating seat. Volume **VI,** section **94.**

A strict observance of the Federal corrupt practices acts and the corrupt practices acts of the State from which returned is incumbent upon candidates and is essential to continued Membership in the House. Volume **VI,** section **81.**

A question being raised as to the eligibility of a Member under the operation of the corrupt practices act, a resolution authorizing inquiry was referred. Volume **VI,** section **86.**

No Member of Congress or candidate for Congress may solicit or receive political contributions from Government employees. Volume **VI,** section **67.**

Decision of the Supreme Court that the corrupt practices act prohibiting Members of Congress from accepting certain contributions from Federal employees is constitutional. Volume **VI,** section **68.**

(102) Corrupt Practices Act.interpretations of State Laws.

Construction of Michigan corrupt-practices act. Volume **VI** section **74.**

Interpreting the corrupt practices act of the State of Missouri. Volume **VI,** section **79.**

Discussion of corrupt practices law of State of West Virginia. Volume **VI,** section **82.**

Interpretation of the Wisconsin corrupt practices law. Volume **VI,** sections **81, 85.**

Interpretation of the corrupt practices act of Pennsylvania. Volume **VI,** section **98.**

ELECTIONS OF REPRESENTATIVES—Continued.

(103) Counting of Votes.—Recounts.

Form of resolution providing program of procedure in recount of contested ballots. Volume **VI,** section **163.**

In order to justify a recount of the ballots in a contested-election case, evidence must be produced to indicate reasonable grounds for belief both that the returns are incorrect and that a recount would change the result. Volume **VI,** section **189.**

A general recount of ballots is unwarranted without preliminary evidence tending to cast doubt on the accuracy of the official returns. Volume **VI,** section **133.**

No evidence of error in the counting of the votes having been adduced, the committee denied an application for a recount.Volume **VI,** section **133.**

In the absence of evidence of fraud or irregularities, proof of which would change the result of the election, the committee declined to subpoena ballots. Volume **VI,** section **164.**

Proof that the law has been innocently disregarded in the counting of ballots opens the door to a recount as effectually as if deliberate fraud had been shown. Volume **VI,** section **146.**

When, under all forms of law, a person has been duly returned as elected to Congress, it is presumed the count is correct, and a case must be made out clearly warranting the presumption of fraud or mistake in order to justify a recount.Volume **VI,** section **126.**

The accuracy of the count in a disputed precinct being challenged, the House ordered a recount. Volume **VI,** section **183.**

Failure of a candidate to receive a number of votes equal to the number of "straight" tickets cast in an election was held to constitute such conclusive evidence of fraud as to warrant a recount of the vote. Volume **VI,** section **186.**

Contestant having agreed to abide by decision of election commissioners is precluded from disputing the result of their count. Volume **VI,** section **117.**

Though ordering a recount of the ballots the committee declined to request attendance and testimony of contestee or to require the production of bank records. Volume **VI,** section **74.**

An official recount, the correctness of which is not disputed, displaces the original return. Volume **VI,** section **144.**

The House sustained a recount authorized by and conducted pursuant to State laws. Volume **VI,** section **163.**

In order to secure a recount before an elections committee, it is necessary to produce tangible evidence to show likelihood of such recount changing the result of the original returns. Volume **VI,** section **166.**

The returns from a recount are neither conclusive nor persuasive unless the ballots have been so effectually safeguarded as to preclude opportunity for tampering. Volume **VI,** section **189.**

A recount of any part of the ballots will not be ordered unless all ballots cast in the election are available for recount if desired. Volume **VI,** section **102.**

A recount should include all ballots cast at the election and the House declines to order recount if any portion of the ballots have not been preserved. Volume **VI,** section **115.**

Where some of the ballots were missing a recount was denied. Volume **VI,** section **133.**

On a recount of ballots the official returns in precincts where the ballots had been destroyed were accepted as correct by agreement of counsel. Volume **VI,** section **73.**

Where the evidence fails to establish a presumption that a recount of the ballots would change the result, the House declined to order such recount. Volume **VI,** section **126.**

On a recount by the Committee the question of rejecting ballots is properly raised when they are received in Washington and before recounting or at least when tabulated, and the motion comes too late after the record as been made and argument heard. Volume **VI,** section **172.**

The House reluctantly sustained an unauthorized recount made incidentally during a legal recount for a State office. Volume **II,** section **990.**

ELECTIONS OF REPRESENTATIVES—Continued.

(103) Counting of Votes.—Recounts.—Continued.

Discussion of the validity of a recount after the time when, by the terms of the law, the ballots should have been destroyed. Volume **I,** section **575.**

A recount honestly made of ballots preserved inviolate is valid, although circumstances rendered impossible a technical compliance with law. Volume **II,** section **924.**

A recount by the election officers at their own instance, and unimpeached by anything showing fraud, was sustained by the House. Volume **II,** section **849.**

If the county of election officers is to be set aside by a recount, the petition for the recount should set forth specifically the reasons. Volume **II,** section **931.**

An honest recount of ballots kept inviolate was sustained, although the authority which ordered it was questioned. Volume **II,** section **924.**

It was held in 1864, although by a divided committee, that a contestant must show probable fraud in order to have the House order a recount of votes. Volume **I,** section **723.**

Counsel for the contestant having conceded that a recount of the ballots was all that was relied on and that if a recount did not overcome the contestee's plurality the contest would be dismissed, the committee held it was not warranted on the pleadings in recounting the ballots but permitted an amendment of pleadings to justify recount. Volume **VI,** section **170.**

Where disputed ballots, even if counted for claimant, would not alter the result of the election the committee on elections declined to inspect the ballots. Volume **VI,** section **117.**

Although not bound by agreement of parties for a recount of ballots, the committee in view of the difficulty in securing a recount under the laws of the State, and evidence indicating the probability of inaccuracy in the returns, ordered a recount. Volume **VI,** section **90.**

(104) Counting of Votes.—Recount as Related to Custody of Ballots.

Official and formal counts should be set aside on subsequent informal and unofficial counts only when the ballots are inviolably kept and the subsequent count is safeguarded. Volume **II,** section **888.**

A recount, although authorized by law, does not avail to overthrow the count of the election officers unless the ballots are affirmatively shown to have been kept inviolate. Volume **II,** section **1020.**

Ballots must be shown affirmatively to have been kept inviolate in order that a recount may be of effect. Volume **II,** section **1050.**

An unofficial recount of ballots not kept inviolate is of no force. Volume **II,** section **958.**

The ballot box not having been kept inviolate an official recount is of little value to substantiate impeached returns. Volume **II,** section **980.**

Before a recount of ballots may be had, proof must be made of the inviolability of the ballot boxes and their contents. Volume **VI,** section **115.**

In the absence of law requiring ballots to be counted in the voting place in which they were cast, the removal of ballot boxes to another place for counting was held not to constitute evidence of fraud. Volume **VI,** section **125.**

A recount of a part of the ballots will not be ordered at the instance of one party when impossible to grant a recount of the remaining ballots if requested by the other party. Volume **VI,** section **112.**

The custody of the ballot boxes being suspicious, the House declined to set aside the returns on the strength of a recount. Volume **II,** section **848.**

The State law providing for preservation of the votes as a record but not for a recount, the House corrected the returns by an unofficial recount which it deemed correct. Volume **II,** section **997.**

As to the sufficiency of a recount which justifies a disregard of the returns of the sworn election officers. Volume **II,** section **997.**

As to the effect of an unofficial recount of votes on the return as originally made. Volume **I,** section **824.**

ELECTIONS OF REPRESENTATIVES—Continued.

(104) Counting of Votes.—Recount as Related to Custody of Ballots—Continued.

A return was corrected on the evidence of the tally list supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **999.**

The House, overruling the committee, declined to find the return of the election officers fraudulent on the strength of an impeached recount of the votes. Volume **II,** section **847.**

In order for a recount of votes to rebut the presumption in favor of the election officers it must be shown that the boxes have been kept inviolate. Volume **II,** section **847.**

(105) Counting of Votes.—Ballots in the Wrong Box.

Ballots deposited by error in a ballot box other than the Congressional box and in charge of other officers should be counted as if deposited aright. Volume **II,** section **1085.**

The House counted lawful votes rejected by election officers because deposited in wrong boxes through confusion created by election officers. Volume **II,** section **1090.**

Ballots placed by the voters in the wrong box through deceptive acts of election officers were counted by the House. Volume **II,** section **1034.**

A question as to the correction of the mistake when ballots for Congressmen are deposited in the wrong ballot box. Volume **I,** section **784.**

As to the counting of ballots found in the box for township officers and not in the Congressional box. Volume **II,** section **958.**

A ballot accidentally placed in the wrong box should be counted. Volume **I,** section **575.**

Election officers are justified in refusing to count for a candidate for Congress ballots cast in a box other than the Congressional box. Volume **I,** section **779.**

Where ballots for different offices are cast in different boxes, the intention of the voter is to be ascertained alone from the box in which the ticket is deposited. Volume **I,** section **779.**

Votes found in the wrong ballot box have been counted without proof of mistake, although there was dissent in the committee. Volume **I,** section **537.**

(106) Counting of Votes.—By the House after Rejection by Election Officers.

The House may count votes improperly rejected by election officers. Volume **I,** section **562.**

The House counted lawful ballots rejected by election officers on frivolous and technical challenges. Volume **II,** section **1090.**

A vote offered by an elector and illegally rejected should be counted as if cast. Volume **II,** section **978.**

Officers of election having wrongfully denied qualified voters the right to vote, the House counts the rejected votes. Volume **II,** section **975.**

The House counted ballots rejected by election officers under an erroneous construction of the law. Volume **II,** section **976.**

Ballots improperly rejected by election officers and then illegally destroyed were proven aliunde and counted. Volume **II,** section **1079.**

As to whether the House should count ballots illegally but not fraudulently cast and properly rejected by the election officers. Volume **II,** section **922.**

Where voters are disqualified for crime a vote should not be rejected unless there is proper evidence of the conviction of the person offering it. Volume **I,** section **537.**

The House counted votes rejected by a State canvassing board because returned by error for persons not candidates for Congress. Volume **I,** section **774.**

Ballots whereon the name of a candidate was spelled grotesquely and rejected by the election judges were counted on oral evidence sustained by a recount after the box had been in illegal custody. Volume **II,** section **987.**

The fact that a decisive number of voters stand in line to vote and are prevented justifies a declaration that the seat is vacant. Volume **II,** section **1033.**

ELECTION OF REPRESENTATIVES—Continued.

(107) Counting of Votes.—When not Cast Because of Obstruction or Intimidation.

Discussion as to what constitutes a tender or offer to vote. Volume **II,** section **1026.**

Discussion as to the act of tendering a vote under the old and new ballot laws. Volume **II,** section **1099.**

To count votes tendered but not cast it is necessary to establish obstruction by election offices and due diligence on part of the elector. Volume **II,** section **1079.**

As to the counting of votes not cast and the relation thereto of a repealed section of the Federal election law. Volume **II,** section **1099.**

Although a mandatory State law provided for counting no ballot but the official one, the House righted a wrong by counting votes not cast. Volume **II,** section **1099.**

The House decided that the votes of duly qualified voters, in line and ready to vote but fraudulently prevented, should be counted as if cast. Volume **II,** section **1026.**

The House counted as if cast the votes of electors who, after using due diligence, were prevented from voting by the delays of election officers. Volume **II,** section **1098.**

The House will not, on pretence that a class of voters are unconstitutionally prevented from voting, count the votes of persons not shown individually to have attempted or desired or been qualified to vote. Volume **II,** section **1132.**

The House declined to count the votes of witnesses who failed to show that they were illegally refused registration or that they had tried to vote. Volume **II,** section **1087.**

Where electors were present, ready to vote, and were prevented by dilatory acts of election officers, the House counted the votes as if cast. Volume **II,** section **1103.**

Electors being at the polls a long time, and prevented from voting by obstructive challenges of others, their votes were counted by the House. Volume **II,** section **1079.**

Evidence showing that a voter's due effort to vote was thwarted by intimidation, the vote should be counted as if cast. Volume **II,** section **891.**

The House may count votes not cast because of intimidation practiced in presence of election offices and which it was their duty to prevent. Volume **I,** section **562.**

Discussion of the degree of intimidation justifying the House in counting votes of persons prevented from reaching the ballot box. Volume **I,** section **580.**

Qualified voters being denied the right to vote because other persons had voted on their names, the House counted the votes for the candidate for whom they were offered without deducting the illegal votes. Volume **I,** section **579.**

In an inconclusive case the committee agreed that voters shown by parol proof to be qualified and to have attempted to vote should have their votes counted if cast. Volume **II,** section **1109.**

The vote of qualified electors offering to vote, but improperly denied, were counted as if cast. Volume **VI,** section **148.**

The House counted the votes of persons who swore that they intended and tried to vote for contestant but were prevented because other persons had voted on their names. Volume **II,** section **1067.**

The House counts lists of wrongfully disfranchised qualified voters when sustained by other evidence that the voters were present near the polls to vote and would have voted for the party claiming had they not been prevented. Volume **II,** section **1075.**

Where an unauthorized but not fraudulent erasure of names occurred on a registration list the House counted votes of electors harmed by this erasure. Volume **II,** section **1084.**

The House counted the ballots of qualified voters who were prevented from voting by conditions arising from a registration established by a city government. Volume **II,** section **975.**

Where many persons are disfranchised by an unconstitutional election law the House will not bring them into the account on the mere opinion of witnesses as to the number. Volume **II,** section **1066.**

ELECTIONS OF REPRESENTATIVES—Continued.

(108) Counting of Votes.—Of Unregistered or Absent Electors.

The House, relying somewhat on a Federal statute, counted ballots of voters whose names after registration were omitted from the poll list, that list being conclusive on the election officers. Volume **I,** section **579.**

Voters being prevented by no fault of their own from obtaining the registration certificates required for voting, the House counted the votes as if cast. Volume **II,** section **1025.**

The Committee on Elections declined to count votes of persons prevented from voting by an erroneous dropping of their names from the registration. Volume **II,** section **935.**

The House declined to count as cast the vote of a person kept from the polls by a bogus telegram sent by persons unknown. Volume **II,** section **1069.**

Discussion as to counting votes which would have been cast had there not been a failure to open the polls. Volume **II,** section **1019.**

Instance wherein the House took into account the votes of electors not actually at the polls. Volume **II,** section **1094.**

(109) Counting of Votes.—When Proven Aliunde.

Returns being rejected the vote may be proved aliunde. Volume **II,** section **857.**

Where a poll has been rejected and proof aliunde is resorted to, only the vote proven should be allowed. Volume **II,** section **1033.**

When votes are proven aliunde by one party to a contest the residue are not allowed to the other party. Volume **II,** section **882.**

The returns being rejected and contestant having proven his vote aliunde, the returned Member, who had not proven his vote, was not allowed the residue of the poll. Volume **II,** section **1050.**

Returns of a poll being rejected, the vote proven aliunde by one party is counted, and nothing is credited to the other party unless he also prove aliunde. Volume **II,** section **981.**

A contestee was not allowed the votes he proved aliunde, when contestant, because of uncertainty of proof, could not be credited with any of the votes he undoubtedly received. Volume **II,** section **932.**

The ballot box being stolen and no returns made, the vote was proven aliunde. Volume **II,** section **1019.**

Fraudulent election returns are good for proof of no part of the vote, but both parties must resort to proof aliunde. Volume **II,** section **1019.**

The returns being rejected, the House counted for sitting Member, apparently somewhat as a matter of grace, the votes conceded to him by contestant's brief. Volume **II,** section **1034.**

Where returns are rejected because of fraudulent act of election officers friendly to contestee, the contestant yet loses his returned vote as well as contestee. Volume **II,** section **1102.**

Where voters of one party are compelled to remain away from the polls to thwart organized fraud, the other party is not permitted to avail himself of votes proven aliunde after returns are rejected. Volume **II,** section **1115.**

Original returns of the precincts being lost, the House by testimony proved that certain votes returned as "scattering" because of misnomer were actually cast for contestant. Volume **I,** section **38.**

Votes proven by merely showing the party affiliations of the voter have been counted by the Elections Committee. Volume **I,** section **580.**

Votes improperly rejected were, in absence of direct testimony, counted on proof of the general political action of the voter. Volume **I,** section **799.**

The State law preventing voters from testifying as to the ballots cast by them, the Elections Committee did not admit declarations as next best evidence. Volume **I,** section **784.**

Testimony as to what a voter said after election as to his vote is not admissible to prove for whom the vote was cast. Volume **I,** section **537.**

The contestant in an election case must confine his proof to the allegations of his notice. Volume **I,** section **640.**

ELECTIONS OF REPRESENTATIVES—Continued.

(109) Counting of Votes.—When Proven Aliunde—Continued.

The Elections Committee having ascertained that contestant rightfully was entitled to prima facie title the burden of proof was shifted to sitting Member. Volume **I,** section **574.**

The Elections Committee, in a sustained case, shifted the burden of proof to sitting Member on ascertaining that contestant had been entitled to the credentials. Volume **I,** section **582.**

The Elections Committee having ascertained that prima facie title should have been awarded to contestant, the burden of proof was shifted to sitting Member. Volume **I,** section **578.**

As to the degree of testimony required to put the burden of proof on a Member whose status as a citizen was impeached. Volume **I,** section **427.**

Discussion of the kind of evidence required to provide aliunde a vote at a precinct whereof the returns are rejected. Volume **II,** section **858.**

Where returns showed a large vote for contestee and a merely nominal vote for contestant, the House deducted from contestee where persons recorded on the poll list testified that they did not vote. Volume **II,** section **1092.**

Where many votes were returned for contestee and one or two for contestant, and the total was larger than the number of persons shown to have entered the polling place, the excess was deducted from contestee. Volume **II,** section **1092.**

Where election officers were all of contestee's party, and certain electors voted twice, the excess was deducted from contestee. Volume **II,** section **1092.**

In a rural precinct from which one vote was returned for contestant and wherein names not known to old residents were found on the poll list, deduction was made from contestee's poll. Volume **II,** section **1092.**

Instance wherein the color of voters contributed to a presumption as to their votes. Volume **II,** section **1074.**

The color of the voter should be sustained by other conclusive evidence in order to establish a presumption as to how he voted. Volume **II,** section **1048.**

The House declined to recommit an election case in order to count votes in precincts whence no votes had been returned or proven. Volume **I,** section **812.**

The House declined to reopen an election case to enable returned Member to prove his vote aliunde at several precincts whereof the returns had been rejected. Volume **II,** section **1019.**

At a poll where votes were cast by disqualified persons the return was corrected on the testimony of persons who assumed to know how the disqualified persons voted. Volume **II,** section **875.**

When a voters' qualifications are objected to the burden of proof is on the objecting party to show that the person voted for the competitor and was disqualified. Volume **II,** section **885.**

Over 2,000 illegal votes having been proven, the committee, by proof aliunde, determined for whom a portion were case and rejected them without disturbing the remainder. Volume **II,** section **1131.**

Votes received at an outside poll by a United States commissioner and confirmed by evidence of the voters themselves were counted by the House. Volume **II,** section **1026.**

Discussion of the evidence required to establish for whom a voter has cast his ballot. Volume **I,** section **814.**

When an illegal vote is cast by secret ballot the committee endeavor to ascertain from circumstantial evidence for whom the vote was cast. Volume **II,** section **865.**

The voter not being compelled to testify for whom he voted, proof of general reputation as to political character and party preferences was accepted to determine the vote. Volume **I,** section **799.**

ELECTIONS OF REPRESENTATIVES—Continued.

(110) Counting of Votes.—Illegal Votes.

Discussion as to method of determining the nature of unsegregated votes cast by disqualified voters. Volume **II,** section **1021.**

Objections to the pro rata method of purging the polls of unsegregated illegal votes. Volume **II,** section **941.**

Where the nature of illegal votes could not be shown, the House preferred to reject the precinct poll rather than apportion pro rata. Volume **II,** section **941.**

Where the nature of illegal votes could not be determined the committee on election made a pro rata reduction from the poll of each candidate. Volume **VI,** section **148.**

Where evidence shows for whom illegal votes were cast, deduction is made from the vote of that particular candidate; but where such evidence is lacking, deduction is made pro rata from the total vote of all candidates in that precinct. Volume **VI,** section **159.**

Illegal ballots are subtracted from the vote of the candidate for whom cast and when the candidate for whom cast can not be ascertained are subtracted from the vote of all candidates in accordance with the pro rata share of the total vote obtained by each candidate in the precinct in which cast. Volume **VI,** section **166.**

The Elections Committee in an unsustained report held that illegal votes, the nature of which could not be ascertained, should be subtracted pro rata from the votes of the contestant and contestee. Volume **VI,** section **160.**

Where impossible to show for whom illegal votes were cast they will be deducted from the vote of both candidates in proportion to the total votes received by each. Volume **VI,** section **114.**

When it was impossible to determine for whom certain illegal votes were cast, they were deducted pro rata from the votes counted for contestant and contestee, respectively. Volume **VI,** section **123.**

Discussion of methods of deducting illegal votes from the official returns. Volume **VI,** section **75.**

Criticism of the rule of proportionate deduction of illegal votes the nature of which is unknown. Volume **II,** section **934.**

A question as to the best rule for elimination of an excess of ballots in the box. Volume **I,** section **537.**

It being impossible to prove how a disqualified voter cast his ballot, the vote was not deducted. Volume **II,** section **929.**

Contestant having neglected to show for whom votes impeached by him were cast, they were deducted from his poll. Volume **II,** section **921.**

More illegal votes appearing than the total number cast for one candidate, the excess were deducted by the committee from the other candidate, in the absence of identifying evidence. Volume **I,** section **616.**

The House rejected a vote found by the judges in an irregular place and counted in spite of the fact that it caused an excess in the poll. Volume **I,** section **562.**

The House declined to count the vote of precincts wherein by fraudulent registration many disqualified persons had been put on the voting lists. Volume **VI,** section **96.**

Unless it is shown for whom a vote alleged to be illegal was cast, the complaint must be disregarded. Volume **VI,** section **124.**

(111) Counting of Votes.—In General.

In the absence of proof to the contrary an election is assumed to have been properly held and the votes honestly counted. Volume **VI,** section **130.**

In the absence of conclusive proof to the contrary it is presumed that all votes cast are legal votes and all voters casting them are legal voters. Volume **VI,** section **132.**

The ballots themselves constitute the best evidence and the count of election officials should not be set aside by testimony of a witness who merely looked at the ballots and testified to the results. Volume **VI,** section **115.**

ELECTIONS OF REPRESENTATIVES—Continued.

(111) Counting of Votes.—In General—Continued.

The House will not set aside the official returns except upon positive proof that the official count was incorrect. Volume **VI,** section **115.**

A question as to how far the House, in counting votes, is bound by the requirements of the State law. Volume **I,** section **577.**

It was held under the old ballot laws that a "paster" which covered the designation of the office should not work rejection of the vote, although a State law so provided. Volume **I,** section **577.**

Although the law requires ballots to be counted only after close of the voting, a partial count earlier does not necessarily vitiate the poll. Volume **II,** section **1049.**

Under the old ballot laws the appearance of a candidate's name twice on the ballot did not prevent counting it as one vote. Volume **I,** section **577.**

Votes apparently intended for Congressional candidates but returned as for a State office were counted without further inquiry. Volume **I,** section **816.**

Reference to rules governing counting of votes when freehold qualifications prevailed. Volume **I,** section **780.**

Contestant was required to sustain charges against the correctness of the count by the ballots. Volume **II,** section **1008.**

No fraud being shown, votes were counted, although the box was for a time irregularly in the custody of sitting Member. Volume **I,** section **759.**

If an issue involves the identification of the person for whom a ballot was counted, such identification may be demanded as a matter of right. Volume **VI,** section **126.**

A law forbidding the counting of ballots which fail to conform to statutory requirements is mandatory, and such ballots will not be counted. Volume **VI,** section **151.**

Committee resolutions based on the counting of ballots failing to comply with statutory requirements were rejected by the House. Volume **VI,** section **95.**

The vote of qualified electors offering to vote, but improperly denied, were counted as if cast. Volume **VI,** section **148.**

The entering of names on the poll books following those of the judges, who testified they voted last was, held to justify the rejection of such votes. Volume **VI,** section **123.**

Votes of persons listed as having been illegally denied the right to vote will not be counted on the strength of a mere certificate to that effect unauthenticated by other evidence. Volume **VI,** section **128.**

The vote of a qualified elector prevented from voting through error or misconduct of election officials will be counted upon presentation of proof. Volume **VI,** section **113.**

Votes of persons assisted in the preparation of their ballots, in violation of the provisions of the State constitution, are void and should not be counted. Volume **VI,** section **158.**

If it is reasonable to suppose there was error in judgment in counting ballots cast in a portion of the precincts in the district, it is equally reasonable to assume there was error in judgment in counting the ballots in the remaining precincts. Volume **VI,** section **126.**

Counsel for contestee having admitted the justice of contestant's contention that certain returns ought to be excluded on account of fraud, it was held that the vote from those precincts should not be counted for either contestant or contestee. Volume **VI,** section **134.**

As to the counting of votes not cast and the relation thereto of a repealed section of the Federal election law. Volume **II,** section **1099.**

Handling of the ballots by an unauthorized person during the count, no fraud being shown, does not vitiate the return. Volume **II,** section **1001.**

Votes received at an outside poll by a United States commissioner and confirmed by evidence of the voters themselves were counted by the House. Volume **II,** section **1026.**

Where a true expression of the intention of qualified voters is had at an improvised poll the votes will be counted by the House. Volume **II,** section **1074.**

ELECTIONS OF REPRESENTATIVES—Continued.

(111) Counting of Votes.—In General—Continued

Two companies of soldiers having voted together when the law required a separate poll for each, the vote was counted on testimony showing honesty and fairness in the proceedings, the law forbidding rejection for mere informalities. Volume **I,** section **557.**

The House corrected the ballot of a voter shown to have been deceived into voting otherwise than he intended. Volume **II,** section **992.**

The House declined to count as cast the vote of a person kept from the polls by a bogus telegram sent by persons unknown. Volume **II,** section **1069.**

A return was corrected on the evidence of the tally list, supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **99.**

Discussion as to whether or not a result corroborated by Federal supervisors might be set aside by a recount by State officials. Volume **II,** section **931.**

The House, overruling the committee, declined to find the return of the election officers fraudulent on the strength of an impeached recount of the votes. Volume **II,** section **847.**

A board of county canvassers legally competent to recount may make such recount even after it has certified and forwarded the result of the first count. Volume **I,** section **581.**

A recount by the election officers at their own instance and unimpeached by anything showing fraud was sustained by the House. Volume **II,** section **849.**

Although a portion of the election officers were disqualified persons corruptly appointed, the Elections Committee did not reject the poll, but corrected the return by a recount. Volume **II,** section **1016.**

When a Member was returned by a majority of one, which was rendered uncertain by a recount, the House declared the seat vacant. Volume **I,** section **824.**

Unregistered voters having voted on the production of affidavits prescribed by law for such cases, the affidavits should be kept inviolate as in the case of ballots for a recount. Volume **II,** section **1002.**

The House declined to recommit an election case in order to count votes in precincts whence no votes had been returned or proven. Volume **I,** section **812.**

Returns being rejected, the vote may be proved aliunde. Volume **II,** section **857.**

Oral testimony impeaching a return already counted by return judges was held not sufficient to cause rejection of the vote, actual return not being identified and offered. Volume **I,** section **558.**

The House counted votes duly certified but not delivered to the State canvasser because of negligence of a messenger. Volume **I,** section **774.**

Discussion as to counting votes cast at an election adjourned by the officers for fear of outrage from the legal place to another. Volume **II,** section **1038.**

(112) Credentials.—Form, Signing, etc., of.

The person elected dying before credentials are issued, the minority candidate may not receive the credentials. Volume **I,** section **323.**

A question in the Senate as to whether or not credentials should set forth at length the proceedings of the electing legislature. Volume **I,** section **573.**

A governor empowered by law to issue credentials may certify to his own election to the House. Volume **I,** section **619.**

An instance wherein the House questioned credentials borne by a Delegate-elect who himself had signed them as governor. Volume **I,** section **610.**

Credentials signed by a governor certifying to his own election as Senator were received by the Senate without question. Volume **I,** section **573.**

Credentials regular in form and issued in accordance with law were honored by the House, although it appeared that the governor issuing them might be merely a de facto officer. Volume **I,** section **623.**

Forms of credentials borne by persons elected to fill vacancies. Volume **I,** sections **535, 536.**

ELECTIONS OF REPRESENTATIVES—Continued.

(112) Credentials.—Form, Signing, etc., of—Continued.

Form of credentials given to a Member-elect chosen to fill a vacancy caused by death. Volume **I,** section **571.**

Federal law directs the issuance and prescribes the form of credentials of Senators-elect. Volume **I,** section **549.**

Discussion as to the required form for Senate credentials under the law. Volume **I,** section **352.**

Discussion of the right of certifying officers to revoke credentials already issued and issue others. Volume **I,** section **620.**

In 1864 the Elections Committee favored the seating of claimants coming from districts almost free from armed foes but elected in an election called by a loyal convention and by a fraction of a normal vote. Volume **I,** section **380.**

The House seated a person elected according to the essential requirements of law, except that the time of the election was fixed by proclamation of a military governor. Volume **I,** section **379.**

Instance of returns of an election made by military officers under authority of reconstruction acts. Volume **I,** section **326.**

Instance wherein a constitutional convention in a State undergoing reconstruction authorized the election of Members of Congress in anticipation of the sanction of Federal law. Volume **I,** section **388.**

In 1864 the Elections Committee were divided as to seating persons chosen under authority of a constitutional convention in a State recently in insurrection. Volume **I,** section **381.**

The House declined to invalidate an election because a State constitution had established qualifications of voters in disregard of reconstruction legislation. Volume **II,** section **1134.**

It is being charged that the State laws establishing qualifications of voters violated the reconstruction laws and the Constitution of the United States, a divided committee considered the question one for the courts. Volume **I,** section **644.**

The Senate finally seated persons elected by a legislature in a reconstructed State, although after the intervention of Congress other persons had been elected. Volume **I,** section **391.**

Instance wherein the Senate admitted persons chosen before Congress had admitted a reconstructed State to representation. Volume **I,** sections **389, 392.**

A State having been in secession, the Senate admitted as Senator the person chosen after the State had conformed to conditions prescribed by law, and refused to admit one chosen prior to such conformity. Volume **I,** sections **389, 390.**

The Senate declined to admit persons elected under the auspices of a State government representing a portion only of the people in a State menaced by hostile armies. Volume **I,** section **382.**

Credentials should show on their face specifically that they are given to the person entitled by law to have them. Volume **I,** section **599.**

There being conflicting credentials resulting from elections by rival legislative bodies, the Senate declined to give prima facie effect to the papers and examined the final right. Volume **I,** section **358.**

Before its committee had reported on conflicting credentials the Senate took one set of credentials from the committee and seated a claimant whose prima facie and final right and personal conduct were assailed. Volume **I,** section **628.**

Two claimants appearing with conflicting credentials at the time of organization, the Members-elect examined and determined which should vote. Volume **I,** section **803.**

There being two conflicting credentials, the second intended to revoke the first, the House declined to reverse the action of the Clerk in enrolling the bearer of the second credentials. Volume **I,** section **615.**

ELECTIONS OF REPRESENTATIVES—Continued

(112) Credentials.—Form, Signing, etc., of—Continued.

Instance wherein an unsuccessful contestant for a seat in the Senate was permitted to withdraw his credentials. Volume **I,** section **352.**

By a letter presented and read to the Senate a contestant withdrew his claim to a seat after the committee had reported in his favor. Volume **I,** section **631.**

The Senate does not consider questions arising on the credentials until the beginning of the term to which they refer (footnote). Volume **I,** section **652.**

Credentials regular in form have been presented as a matter of privilege, although the status of the constituency was, by reason of civil. war, in doubt. Volume **I,** section **361.**

An instance wherein the House authorized an investigation of the credentials and election of persons already seated on prima facie showing. Volume **I,** section **547.**

In the early years of the House the credentials were examined by the Committee on Elections, but this practice fell into disuse. Volume **I,** sections **16, 18.**

Form of resolution instructing a committee to inquire either as to prima facie or final title to a seat. Volume **I,** section **523.**

Instance wherein credentials were referred to a committee with instructions to inquiry either as to prima facie or final right. Volume **I,** section **523.**

(113) Credentials.—Examination of, by the House.

The House declined to honor credentials regular in form, but issued in disregard of a State law requiring them to be issued after and not before the canvassing officers had made returns. Volume **I,** section **623.**

The House declined to order that the oath be taken by a person who had credentials perfect in form, but who had not presented them to the Clerk and did not desire to assert prima facie right. Volume **I,** section **44.**

The Credentials of Members-elect who appear after the organization are presented, but are not examined by a committee before the oath is administered, unless there be objection. Volume **I,** section **387.**

In the earlier practice the credentials of Members were passed on by the Elections Committee (footnote). Volume **I,** section **764.**

In 1869 the House provided, by resolution, that the credentials of person claiming seats from certain States should be examined by a committee before the oath should be administered. Volume **I,** section **387.**

An instance wherein credentials of persons claiming to be Members-elect were referred to a joint committee of the two Houses. Volume **I,** section **361.**

In the "Broad Seal Case" the Elections Committee, while admitting the prima facie effect of regular credentials, at first decided to investigate only final right. Volume **I,** section **793.**

A Senate committee's discussion of the functions of credentials in the organization of a legislature. Volume **I,** section **631.**

A Senate discussion favoring recognition of a legislative body having a legally certified, but not legally elected, quorum, in preference to one having an elected, but not certified, quorum. Volume **I,** section **358.**

The Senate, after debate, allowed a claimant to a seat to withdraw his credentials. Volume **I,** section **63.**

(114) Credentials.—Irregular in Form.

Where it is not specifically stated that the bearer is elected in accordance with the law of the State and the United States, the credentials may be honored by the House, if not by the Clerk. Volume **I,** section **30.**

No law requiring the seal of the Territory to be affixed to the credentials of the Delegate, the absence of the seal did not invalidable the credentials. Volume **I,** section **619.**

Credentials being defective, but not doubt existing as to the election, the oath was administered to the Member-elect by unanimous consent. Volume **I,** section **593.**

ELECTIONS OF REPRESNETATIVES—Continued.

(114) Credentials.—Irregular in Form—Continued.

A question arising as to the sufficiency of papers purporting to be credentials, the House had the papers examined by a committee before permitting the Member-elect to be sworn. Volume **I,** section **600.**

A military order has been accepted as credentials of Members from a reconstructed State, but the said credentials were examined by a committee before the House authorized the bearers to take the oath. Volume **I,** section **465.**

The inadvertent omission from the statement filed with the Clerk of the House of items, the inclusion of which would not otherwise prejudice, held not sufficient to warrant action by the House. Volume **VI,** section **81.**

Credentials unusual in form and signed by the Member-elect himself as "Brevet-Major-General" and "Provisional Governor" of Mississippi, were honored by the Senate. Volume **I,** section **438.**

In reconstruction days the Senate deemed valid credentials signed by provisional military governor. Volume **I,** section **430.**

Instance wherein the Senate gave immediate prima facie effect to informal credentials, although other claimants presented credentials technically conforming to law. Volume **I,** section **389.**

A Senator-elect whose credentials were not in regular form was seated, the irregular portions being considered as surplusage. Volume **I,** section **594.**

The Senate tabled a motion to receive a telegram relating to credentials of a claimant to a seat. Volume **I,** section **347.**

In 1833 the House decided that a person bearing defective credentials should not be called on the roll call until after the election of Speaker and other officers. Volume **I,** section **53.**

The law requiring a formal. proclamation of the governor, the House declined to give prima facie effect to an informal executive communication, espciallly as the House had the returns. Volume **I,** section **559.**

In 1871 a certificate from Arkansas, which bore on its face evidence that it was not issued with the time required by law and concerning the proper execution of which there as doubt, was rejected. Volume **I,** section **31.**

In 1833 the House declined to sutain the action of the Clerk in enrolling a person whose credentials, on their face, failed to comply with the requirements of the State law. Volume **I,** section **53.**

A Senator-elect was permitted to take the oath, although his credentials were irregular in minor particulars. Volume **I,** section **595.**

While the Clerk may not give prima facie effect to credentials not explicitly showing the bearers to be duly elected, the House has done so after examining the returns. Volume **I,** section **328.**

Discussion as to whether or not credentials which required reference to State law to make certain their import should be given prima facie effect. Volume **I,** section **522.**

The House sometimes gives prima facie effect to credentials which are so far impeached on their face that the Clerk does not feel authorized, under the law governing his action, to enroll the bearer. Volume **I,** section **605.**

An instance wherein the House gave prima facie effect to papers not in form of credentials, and which raised a technical question as to the election. Volume **I,** section **590.**

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

The House very reluctantly gave prima facie effect to a certified abstract of returns not in the form of credentials as required by law and issued after the time prescribed by law. Volume **I,** section **37.**

ELECTIONS OF REPRESENTATIVES—Continued.

(115) Credentials.—Decisions of State Courts as to.

An instance wherein the Clerk and the House honored credentials regular in form and issued legally by the proper officers but annulled by the State supreme court. Volume **I,** section **56.**

The Clerk and the House honored credentials regular in form and issued by a competent officer, although the fact was notorious that the State courts had found a different result. Volume **I,** section **57.**

There being conflicting credentials the House honored those first issued, although by reason of a revision of returns the court had annulled the said prior credentials. Volume **I,** section **56.**

(116) Credentials.—Conflicting.

The House has held that credentials regular in form and issued by the proper officers should not be impeached by a certificate issued later by the successors of said officers. Volume **I,** section **612.**

A governor having issued credentials in violation of law, the House honored later credentials issued by his successor. Volume **I,** section **599.**

After careful reconsideration of the principles of a former action, the House declined to honor credentials doubtful as to legal form, and intended to revoke credentials correct in form. Volume **I,** section **620.**

A certificate regular in form and legally issued by a competent officer was honored by both Clerk and House, although the successor of that officer had issued conflicting credentials. Volume **I,** section **58.**

Neither the Clerk nor the House honored credentials issued by a lieutenant-governor in the temporary absence of the governor, revoking regular credentials. Volume **I,**, section **59.**

The House confirmed the action of its Clerk who had enrolled the bearers of credentials which conformed strictly to the law, although less formal credentials had been issued at an earlier date by a recognized governor. Volume **I,** section **60.**

Credentials issued by the proper officer, but defective in form and impeached by evidence, were overthrown by later credentials. Volume **I,** section **599.**

In 1868 the House denied the oath to two persons who appeared with conflicting credentials which cast doubt on the right of either to the seat. Volume **I,** section **459.**

In view of the existence of conflicting credentials, the House declined to administer the oath to a person enrolled by the Clerk as a Delegate. Volume **I,** section **619.**

Of two claimants, each having credentials in apparently due form, the House directed the administration of the oath to the one whom the Clerk had enrolled. Volume **I,** section **613.**

Credentials issued in accordance with the organic law of a Territory are recognized in preference to credentials authorized by a conflicting Territorial law. Volume **I,** section **541.**

Conflicting credentials being presented and a question of law appearing, the Senate swore in neither contestant until after examination by a committee. Volume **I,** section **395.**

Conflicting credentials, each regular in form, being presented in the Senate at different times, those first issued and first presented were honored, after the circumstances had been examined. Volume **I,** section **627.**

The Senate gave immediate prima facie effect to credentials regular in form, although a contestant presented irregular credentials. Volume **I,** section **633.**

There being two conflicting credentials the Senate declined to give immediate prima facie effect to either, although the electing and certifying government behind one had been swept away by force. Volume **I,** section **355.**

There being conflicting credentials from rival claimants to the office of governor, the Senate referred the papers before considering the question of swearing in either claimant to the seat. Volume **I,** section **347.**

Of three sets of credentials presented from Louisiana in 1877 the Clerk honored those which conformed to the requirements of State law. Volume **I,** section **41.**

ELECTIONS OF REPRESENTATIVES—Continued.

(116) Credentials.—Conflicting—Continued.

In 1875 the Clerk enrolled the names of those bearing credentials signed by the recognized de facto governor of Louisiana, although there were other conflicting credentials. Volume **I,** section **40.**

A second credential being issued by a governor because of a decision of the State court, but not showing the result called for by the rule at that court, the Clerk honored the first credential. Volume **I,** section **43.**

Of two conflicting credentials from Florida in 1877 the Clerk honored the one issued in accordance with a decision of the supreme court of the State. Volume **I,** section **43.**

In case of conflicting credentials, one intended to revoke the other, the Clerk enrolled neither claimant. Volume **I,** section **620.**

Conflicting credentials signed by different persons as governor being presented from Louisiana in 1873, the Clerk declined to enroll the bearer of either credentials. Volume **I,** section **35.**

Credentials in due form issued by an officer intrusted by law with that function were held to establish prima facie right against the certificate of another officer showing the actual state of the vote. Volume **I,** section **619.**

An instance wherein at the organization of the House, before the enactment of the law as to the Clerk's roll, two claimants to a seat were present and participated in the proceedings. Volume **I,** section **53.**

There being conflicting credentials arising from a question as to the legality of election and an allegation of disqualification, the Senate determined final right before either claimant was seated. Volume **I,** section **632.**

(117) Credentials.—When not Issued or Delayed.

Where the fact of election was not disputed the House seated a Member-elect without reference to the Elections Committee, although the State authority had denied him credentials. Volume **I,** section **553.**

The governor of a State having declined to issue credentials to rival claimants, the House seated the one shown by prima facie official statement to have a majority of votes (footnote.) Volume **I,** section **415.**

Two candidates having equal number of votes, the governor did not issue credentials to either, but ordered a new election after they had waived their respective claims. Volume **I,** section **555.**

It has been the custom to swear in Members whose credentials have not arrived if the statement was made that there was no question of their election. Volume **VI,** section **13.**

Members without certificates but of whose election there was no question have been sworn in by unanimous consent pending the arrival of their credentials. Volume **VI,** section **12.**

A governor having declined to issue credentials because of doubt as to the election, the House in 1796 determined the final right before seating the one surviving claimant. Volume **I,** section **554.**

Neither claimant to a seat having credentials, the House referred the papers with instructions that the prima facie right be determined without prejudice to a later contest on the merits. Volume **I,** section **556.**

In a case where there were no credentials, the House, in examining as to prima facie right, declined to permit the election returns to be considered by the committee. Volume **I,** section **559.**

In a case wherein a governor declined to sign the credentials of a Senator-elect the Senate admitted the claimant after examination of final right. Volume **I,** section **353.**

A claimant to a seat in the Senate, in a case where there was no contestant and no credentials, petitioned for the seat, exhibiting evidence in support of his claim. Volume **I,** section **563.**

By unanimous consent the oath may be administered to Members-elect whose regular certificates have not arrived. Volume **I,** sections **176–178.**

ELECTIONS OF REPRESENTATIVES—Continued.

(117) Credentials.—When not Issued or Delayed.—Continued

Although the House has emphasized the impropriety of swearing in a Member without a certificate, it has sometimes been done by unanimous consent. Volume **I,** sections **162–168.**

The State authority having declined to issue credentials to a person whose election was not disputed, the House administered the oath to him on satisfying itself of his election. Volume **I,** section **553.**

The House declined before organization to add to the roll the name of a Member-elect whose credentials had been lost, but after organization permitted him to take the oath. Volume **I,** section **85.**

The House declined to seat a Member-elect on presentation of a letter of a State official showing that credentials had been forwarded to the Speaker. Volume **I,** section **567.**

Although the fact of election was unquestioned, a Senator-elect delayed attendance until credentials were received. Volume **VI,** section **157.**

Credentials being delayed, a Senator appointed by a State executive continued to serve after another had been elected to fill the vacancy. Volume **VI,** section **157.**

(118) Credentials.—As Related to the Clerk's Roll.

In making up the roll the Clerk disregarded entirely credentials issued by a person claiming to be governor, but who never exercised the functions of that office. Volume **I,** section **60.**

The Clerk declined to enroll a person bearing as credentials a mere abstract of returns although certified by the governor under the seal of the State. Volume **I,** section **37.**

Conflicting returns rendering it impossible for a governor to issue any credentials, the Clerk enrolled neither claimant to the seat. Volume **I,** section **556.**

The governor having declined to issue credentials because of unsatisfactory returns, the Clerk declined to enroll either claimant, although the governor officially expressed an opinion that a certain one was elected. Volume **I,** section **559.**

No credentials being received, the Clerk declined to enroll either claimant, although one of them filed documents tending to show his election. Volume **I,** section **44.**

Credentials bearing on their face evidence that they were not issued in accordance with the requirements of law, the Clerk declined to enroll the bearer. Volume **I,** section **605.**

The Clerk declined to enroll the bearer of credentials regular in form but showing an election set at a time apparently not that fixed by law. Volume **I,** section **523.**

In 1879 the Clerk declined to honor a regular credential for a Representative-at-large to which the State was not entitled by law. Volume **I,** section **51.**

There being conflicting credentials, issued by different occupants of the gubernatorial chair, the Clerk enrolled neither claimant. Volume **I,** section **623.**

An exceptional case wherein the Clerk, without sufficient evidence, enrolled a person who participated for a time as a Member. Volume **I,** section **366.**

The Clerk declined to enroll persons bearing credentials in form prescribed by a State government already suspended. Volume **I,** section **374.**

In 1885 the Clerk honored the Nebraska credentials which, although they did not fully comply with the law, were identical in form with certificates sent from that State of former Congresses. Volume **I,** section **52.**

A credential from Indiana not meeting the requirements of the law in 1873, neither claimant to the seat was enrolled. Volume **I,** section **34.**

In 1859 the Clerk enrolled a Member-elect who had no regular certificate, but who presented an official statement from the State authorities showing his election. Volume **I,** section **597.**

In 1871 the Clerk accepted the credentials from Mississippi which, though irregular in form, met all the substantial requirements of the military reconstruction acts. Volume **I,** section **32.**

ELECTIONS OF REPRESENTATIVES—Continued.

(118) Credentials.—As Related to the Clerk's Roll—Continued.

In 1875 a paper of unusual form was submitted to the House at the time of organization by the Clerk, who had declined to make an enrollment on the strength thereof. Volume **I,** section **39.**

No credentials being received for a district prior to the meeting of Congress, the Clerk placed no name on the roll for that district. Volume **I,** section **47.**

A statute provides that the Clerk shall make a roll of the Representatives elect, placing thereon the names of those whose credentials show election in accordance with law. Volume **VI,** section **2.**

The law of 1863 makes it the duty of the Clerk of the preceding House to make a roll of the Representatives-elect whose credentials show them regularly elected. Volume **I,** section **14.**

The Clerk's roll may be corrected during organization by reference to the credentials. Volume **I,** section **25.**

A Member-elect having been enrolled on the strength of credentials in due form, the Clerk declined to strike him from the roll on the strength of later papers. Volume **I,** sections **48, 49.**

The House had declined to permit the oath to be taken by persons whose credentials had procured their enrollment by the Clerk. Volume **I,** section **589.**

(119) Credentials.—Impeached by Other Papers, etc.

A memorial alleging that credentials were not in accordance with law did not prevent the House from honoring them immediately. Volume **I,** section **591.**

An instance wherein the House, at the time of organization, declined to give prima facie effect to credentials in due form, but impeached by documents relating to the fact of election. Volume **I,** section **791.**

Although a Member stated that credentials were based on forged returns the House seated the bearer, there being no conflicting credentials. Volume **I,** section **539.**

Credentials being impeached by a paper from a Territorial officer, the House declined to permit the oath to be administered until the prima facie right had been examined. Volume **I,** section **541.**

The House assigned prima facie title to a claimant, although papers accompanying the credentials raised a question as to the final right. Volume **I,** section **328.**

(120) Credentials.—Related to Questions as to Vacancy.

Although the claimant for a seat presented unimpeachable credentials, the House declined to seat him until it had determined that the seat was actually vacant. Volume **I,** section **322.**

The House declined to seat a person bearing credentials regular in form until it had ascertained whether or not the seat was vacant. Volume **I,** sections **565, 567.**

There being a question as to a vacancy to be filled, the Senate examined the case before administering the oath to a bearer of regular credentials. Volume **I,** section **573.**

The House declined give prima facie effect to credentials regular in form but relating to seats already occupied. Volume **I,** section **518.**

A claimant presenting credentials for a seat occupied by a Member already sworn in, they were referred to a committee, but were not acted on. Volume **I,** section **570.**

A person appearing with credentials intended to entitle him to a seat already occupied, the House declined to seat him at once and referred the credentials. Volume **I,** section **569.**

A Member-elect producing credentials showing his election to fill the vacancy caused by the decease of his predecessor, is sworn in at once, although no other notice of the decease may have been given to the House. Volume **I,** section **568.**

The House gave prima facie effect to regular credentials, although a contestant claimed the seat made vacant by death of the bearer's predecessor. Volume **I,** section **571.**

The death of the person elected creates a vacancy, although no certificate may have been awarded. Volume **I,** section **323.**

ELECTIONS OF REPRESENTATIVES—Continued.

(120) Credentials.—Related to Questions as to Vacancy—Continued.

An instance wherein the State executive transmitted the resignation of a Member with the credentials of his successor. Volume **II,** section **1196.**

Sometimes the House learns of the resignation of a Member only by means of the credentials of his successor. Volume **II,** section **1195.**

The fact of a Member's resignation not appearing either from the credentials of his successor or otherwise the House ascertained the vacancy from information given by other Members. Volume **II,** section **1208.**

The credentials of a Member-elect indicating that he had been elected before the resignation of his predecessor took effect, objection was made and the oath was not administered until new credentials were produced. Volume **I,** section **596.**

The House seated a person bearing regular credentials on ascertaining that his predecessor in the same Congress had accepted a military office. Volume **I,** section **572.**

In 1847 Thomas W. Newton presented credentials showing his election in place of Archibald Yell, of Arkansas, who was an officer in the Army, and was admitted on his prima facie right. Volume **I,** section **489.**

A State executive having issued credentials in due form on the assumption that a Senator had vacated his seat by accepting an army office, the credentials were referred and the bearer was not seated. Volume **I,** section **491.**

(121) Credentials.—Related to Apportionment.

The House gave prima facie effect to the perfect credentials of a State delegation, declining at that time to inquire whether or not the election was invalidated by choice of three persons for two seats. Volume **I,** section **519.**

Credentials being unimpeached the status of the district under an apportionment law is a question of final rather than prima facie right. Volume **I,** sections **535, 536.**

(122) Credentials.—Related to Qualifications in the House.

The House decided a Member-elect entitled to a seat on his prima facie right, although knowing that his qualifications were under examination. Volume **I,** section **420.**

A Member-elect enrolled by the Clerk on his regular credentials did not vote until his disqualifications had been removed and he had been permitted by the House to take the oath. Volume **I,** section **456.**

Questions as to the credentials and qualifications of Members-elect may by general consent be deferred until after the election of Speaker and swearing in of Members. Volume **I,** section **153.**

Before the adoption of the fourteenth amendment and in a time of civil disorders the Elections Committee reported and the House sustained the view that no person who had been disloyal should be sworn. Volume **I,** section **448.**

Before the adoption of the fourteenth amendment and in a time of civil disorders the House denied the oath to Members-elect who presented themselves with credentials in due form, but whose loyalty was questioned, and the credentials were referred to a committee. Volume **I,** section **448.**

In 1867 it was held that no man duly elected should be excluded for disloyalty unless it could be clearly proven that he had been guilty of such open acts of disloyalty that he could not honestly and truly take the oath of July 2, 1862. Volume **I,** section **448.**

A Member-elect who was about to be sworn was challenged for disloyalty, whereupon the House denied him the oath and referred the credentials. Volume **I,** section **455.**

In 1873 the House seated Delegate George Q. Cannon on the strength of his unimpeached credentials, although it was objected that he was disqualified. Volume **I,** section **468.**

In 1870 the House declined to exclude John C. Connor, who possessed the constitutional qualifications and satisfactory credentials, but who moral character was impeached. Volume **I,** section **465.**

A Member-elect whose loyalty was impeached was permitted to take the oath, and after that the House was reluctant to take action in his case. Volume **I,** section **461.**

ELECTIONS OF REPRESENTATIVES—Continued.

(122) Credentials.—Related to Qualifications in the House—Continued.

A question as to whether or not a Member who is disqualified but has been permitted to take the oath may be excluded by majority vote. Volume **I,** section **461.**

(123) Credentials.—Based on the Returns.

Credentials should be based on the face of the returns and not on an examination of the votes. Volume **I,** section **541.**

Credentials issued in violation of law to reverse the facts of the canvass of votes do not give prima facie right, although issued by the lawful officer. Volume **I,** section **599.**

A county court charged by law with the duty of canvassing precinct returns may correct its returns by a supplemental certificate, which should be taken into account by the governor in issuing credentials. Volume **I,** section **581.**

In ascertaining prima facie title the governor should make intelligible an obscure return from the records of a returning board when said board has the functions of a court of record. Volume **I,** section **582.**

Criticism of a governor who issued a certificate on a canvass omitting decisive county returns because of legal proceedings to secure a recount. Volume **II,** section **1036.**

The law requiring a return to "set forth in words at length" the number of votes the governor in awarding prima facie right should construe an obscure word in full, not an abbreviation. Volume **I,** section **582.**

The acts of county canvassing officers being impeached, their returns must be disregarded and the precinct returns should be consulted in awarding prime facie title. Volume **I,** section **577.**

A Delegate is elected by a plurality of votes, and the governor is required to declare the election, in accordance with which a certificate is to be given. Volume **II,** section **1290.**

(124) Credentials.—Related to the Regularity of the Time and Manner of Election.

The House declined to give immediate prima facie effect to credentials when historic facts impeached the authority of the governor and the legality of the election. Volume **I,** section **519.**

The House gave prima facie effect to the credentials of certain Members, although the legality of the manner of their elections was questioned. Volume **I,** section **309.**

The House gave prima facie effect to credentials, although there appeared a question as to the regularity of the writs of election. Volume **I,** section **518.**

Members-elect from Tennessee were seated in 1871 on prima facie showing, although there was a question as to whether or not the day of their election was the legal day. Volume **I,** section **521.**

The credentials of a Senator-elect being regular and there being no contest, the Senate seated the bearer on prima facie showing, although credentials and Senate records indicated that he had been elected in advance of time prescribed by law. Volume **VI,** section **88.**

The House declined to give prima facie effect to credentials perfect in form but referring to an election on a day of doubtful legality. Volume **I,** section **523.**

The House honored credentials regular in form but impeached by a document alleging that the election was not held on the day provided by law. Volume **I,** section **540.**

The House has sworn in on a prima facie showing Members-elect chosen at an election the day, etc., of which was fixed by the schedule of a constitution adopted on that election day. Volume **I,** section **530.**

(125) Credentials Affected by Status of Constitency.—In Civil War.

Persons bearing credentials regular in from but coming from communities disorganized by civil war have been excluded until Congress should determine the status of the constituencies. Volume **I,** section **361.**

Credentials regular in form have been presented as a matter of privilege, although the status of the constituency was, by reason of civil war, in doubt. Volume **I,** section **361.**

ELECTIONS OF REPRESENTATIVES—Continued.

(125) Credentials Affected by Status of constituency.—In Civil War—Continued.

The House declined to give prima facie effect to credentials in the form prescribed by a government already suspended and referring to a district distracted by war. Volume **I,** section **374.**

The House declined to seat on prima facie showing a claimant declared elected by the governor's proclamation, the district referred to being notoriously under duress of civil war. Volume **I,** section **368.**

The House declined to honor credentials regular in form but referring to a constituency notoriously incapacitated by civil war. Volume **I,** sections **362, 364, 371.**

The House declined to give prima facie title to the bearer of informal credentials referring to a constituency notoriously paralyzed by civil war. Volume **I,** sections **363, 365–369.**

The House as a matter of course declined to give prima facie effect to credentials emanating from the loyal provisional government of a State lately in secession. Volume **I,** section **380.**

The House declined to give prima facie effect to credentials signed by the military governor of a State lately in secession. Volume **I,** section **379.**

The House did not permit prima facie effect to credentials coming from a state lately in insurrection and from a government of doubtful standing. Volume **I,** section **381.**

The two Houses of Congress having by law declared the State of Louisiana in a state of insurrection, the Senate in 1864 did not admit persons bearing credentials therefrom. Volume **I,** section **385.**

The Senate declined to admit to a seat a person bearing uncontested credentials of election by a legislature representing a small fraction of the people in a seceding State. Volume **I,** section **384.**

Instance wherein the Senate gave immediate prima facie effect to credentials from a de facto government in a State disturbed by civil war. Volume **I,** section **383.**

The Senate declined to give prima facie effect to credentials regular in form but from a State known to be kept from the duress of an armed foe only by a partial military protection. Volume **I,** section **382.**

(126) Credentials Affected by Status of Constituency.—In Reconstruction.

In the days of reconstruction the two Houses, by joint rule, excluded Members-elect with credentials in due form, some entirely, others until the States were declared by law entitled to representation. Volume **I,** section **361.**

In 1869 the House provided by resolution that the credentials of persons claiming seats from certain States should be examined by a committee before the oath should be administered. Volume **I,** section **387.**

In the Fortieth Congress Members-elect from States lately in secession were not admitted until a committee had examined their credentials, qualifications, and the status of their constituencies. Volume **I,** section **386.**

In 1866 the Speaker declined to administer the oath to persons whose credentials were regular, but who came from States declared by the two Houses not entitled to representation at the time. Volume **I,** section **139.**

After reconstruction the credentials of all the Virginia delegation were referred before the bearers were admitted. Volume **I,** section **318.**

In 1870 no one of the Members-elect from Virginia were seated until the credentials were reported on by a committee and the House had acted. Volume **I,** section **461.**

The House has given full prima facie effect to credentials signed by a military officer in accordance with the law of reconstruction. Volume **I,** section **592.**

Instance wherein, during the reconstruction period, credentials were issued to Members-elect by a military commander. Volume **I,** section **388.**

The Senate declined to give prima facie effect to credentials impeached by charges that a State was not fulfilling in good faith the conditions of reconstruction. Volume **I,** section **391.**

ELECTIONS OF REPRESENTATIVES—Continued.

(126) Credentials Affected by Status of Constituency.—In Reconstruction—Continued.

Instance wherein immediate prima facie effect was given to credentials of a Senator-elect from a reconstructed State. Volume **I,** section **390.**

(127) Credentials Affected by Status of Constituency.—Rival State Governments.

The clerk having honored credentials from a de facto governor, the House confirmed the prima facie title, although there was a conflicting certificate from an alleged de jure governor. Volume **I,** section **614.**

The Senate declined to give immediate prima facie effect to credentials regular in form, but from a State where there were rival claimants to the governorship and rival legislatures. Volume **I,** section **354.**

The Senate declined to seat the bearer of credentials signed by a person exercising the authority of governor, it being objected that the signer was an usurper and that there was no election by a valid legislature. Volume **I,** section **352.**

The Senate gave immediate prima facie effect to credentials regular in form, but impeached by a memorial and historical facts relating to rival legislature. Volume **I,** section **342.**

A legislative body recognized by the State executive and having an elected but not certified quorum was once preferred to a rival body having a certified but not elected quorum. Volume **I,** section **343.**

There being rival claimants bearing credentials from rival executives and chosen by rival legislatures, the Senate did not give prima facie effect to either credentials. Volume **I,** section **345.**

(128) Credentials Affected by Status of Constituency.—Admission to Union.

The House declined to admit the Member-elect from Illinois until the State had been formally admitted to the Union. Volume **I,** section **396.**

The House declined to admit the Member-elect from Michigan, except as a spectator, until the act admitting Michigan to the Union had become a law. Volume **I,** section **397.**

The Senate declined to admit the persons bearing credentials as Senators-elect from Tennessee until that State had been admitted to the Union. Volume **I,** section **398.**

(129) Credentials.—In General.

The Senate decided that a person presenting credentials in due form should be sworn in, although a question had been raised as to his election. Volume **I,** section **545.**

The Senate failed to follow its committee in giving prima facie effect to regular credentials impeached by allegations that the legislature had been elected in violation of the provisions of Federal law. Volume **I,** section **394.**

In determining issues in a contested election all cases of doubt were resolved in favor of the incumbent, for the reason that he had received the certificate of election. Volume **VI,** section **172.**

(130) Death of Contestant or Contestee.

An election contest does not necessarily abate by reason of the death of contestant during the taking of testimony. Volume **I,** section **738.**

The contestant being dead, the swearing in of returned Member creates no estoppel to prevent further prosecution of the contest. Volume **II,** section **1019.**

The death of the contestant after the beginning of an election case did not prevent the continuation of the case to a decision. Volume **I,** section **737.**

A contestant dying after a report in his favor, the House unseated the returned Member and declared the seat vacant. Volume **II,** section **965.**

Where the taking of testimony was suspended by contestant's death, the House itself took additional testimony, but considered the original case continued. Volume **II,** section **1018.**

The contestant having died, the committee did not recommend to the House a resolution declaring he had not been elected. Volume **VI,** section **112.**

ELECTIONS OF REPRESENTATIVES—Continued.

(130) Death of Contestant or Contestee—Continued.

Form of resolutions when a contestant who is entitled to the seat dies before the case is heard by the House. Volume **II,** section **965.**

Forms of resolutions declaring a seat vacant in a case wherein the contestant had died. Volume **II,** section **1019.**

A Member whose seat had been contested dying, the House did not admit a claimant with credentials until contestant's claim was settled. Volume **I,** section **326.**

The returned Member having died before the taking of testimony in a contest was completed, the House held that the contest did not therefore abate. Volume **I,** section **735.**

The Clerk while presiding at the organization declined to open a paper addressed to the Speaker, although it was supposed to inclose a missing credential. Volume **I,** section **47.**

A claimant to a seat in the Senate in a case where there was no contestant and no credentials petitioned for the seat, exhibiting evidence in support of his claim. Volume **I,** section **563.**

The Senate does not consider questions arising on the credentials until the beginning of the term to which they refer (footnote). Volume **I,** section **752.**

The Senate, after debate, allowed a claimant to a seat to withdraw his credentials. Volume **I,** section **63.**

Instance wherein an unsuccessful contestant for a seat in the Senate was permitted to withdraw his credentials. Volume **I,** section **352.**

(131) Debate on, in the House.—Privileges of Returned Member and Contestant.

The House, in 1841, indicated its opinion that the returned Member might speak of right in his own election case, but that the contestant needed the consent of the House. Volume **I,** section **666.**

A returned Member whose seat was contested in the First Congress debated the question as a matter of right. Volume **I,** section **757.**

The seat of the Speaker as a Member being contested, consent of the House was obtained to permit him to speak on the report, although he had called a Member to the chair. Volume **II,** section **1368.**

The contestant in an election case is sometimes permitted to address the House in his own behalf. Volume **I,** section **662.**

A contestant admitted to be heard in an election case is governed by the hour rule of debate. Volume **I,** section **811.**

Discussion as to the rights of a contestant who is permitted to address the House to close debate in a contested-election case. Volume **V,** section **5001.**

An instance wherein a contestant in an election case participated in debate on incidental questions arising out of the said case. Volume **I,** section **490.**

Instance wherein a Senator participated in debate on credentials of a claimant for his seat. Volume **I,** section **392.**

The Senate has declined to permit a contestant to be heard on the floor of the Senate in his own case. Volume **I,** section **392.**

The contestant in an election case is entitled to be heard by the House in his own behalf. Volume **VI,** section **139.**

Instance in which the contestant in an election case was permitted to address the House in his own behalf, and closed the debate. Volume **VI,** section **160.**

(132) Debate on, in the House.—Contestant Heard by Counsel.

In the First Congress the House did not think it necessary to hear petitioners in an election case on the floor by counsel. Volume **I,** section **757.**

In 1791 the House admitted the contestant and his counsel to the bar to produce testimony in an election case. Volume **I,** section **709.**

The House, in 1803, permitted a contestant in an election case to be heard by counsel at the bar of the House (footnote). Volume **I,** section **765.**

In 1792, 1804, and 1841 the House permitted parties in election cases to be heard by attorneys at the bar of the House. Volume **I,** sections **657–659.**

ELECTIONS OF REPRESENTATIVES—Continued.

(132) Debate on, in the House.—Contestant Heard by Counsel—Continued.

In 1836 the House, after full discussion, declined to permit the contestant in an election case to be heard by counsel at the bar of the House. Volume **I,** section **660.**

The House, in 1856, declined to permit a contestant who could not speak the English language to be heard by counsel at the bar of the House. Volume **I,** section **661.**

In 1858 a proposition that witnesses in an election case be examined at the bar of the House found no favor. Volume **I,** section **833.**

(133) Debate on, in the House.—In General.

Before the adoption of rules, while the House was proceeding under general parliamentary law, the Speaker held that a Member in debate on an election case might not have read as a matter of right the record of testimony. Volume **V,** section **5259.**

(134) Deception of Voters.

No surprise being practiced on the voters, who were free to vote for whom they pleased, alleged irregularities in placing a name under a party emblem do not vitiate the election. Volume **II,** section **1117.**

Although contestee's name may have been unlawfully placed on the ballot, yet, in the absence of deception, the ballot might be used to express the honest and intelligent wish of the voter. Volume **II,** section **1106.**

A decision by a State court after the election that contestant's name, which had appeared in the independent column, was entitled to a place in the regular party column was held not to affect the election, no deception of the voters having occurred. Volume **II,** section **1106.**

A county official having, with intent to deceive voters, changed the party emblems on the official ballot, the House overruled its committee and rejected the entire returns. Volume **II,** section **1095.**

As to what constitutes on a ballot a caption designed to deceive the voter. Volume **II,** section **976.**

The House corrected the ballot of a voter shown to have been deceived into voting otherwise than he intended. Volume **II,** section **992.**

Voters being deceived in casting a ballot not intended by them, the House corrected the error. Volume **II,** section **999.**

General testimony that voters were deceived by false tickets, etc., does not, in the absence of specific proof, justify the rejection of a poll. Volume **II,** section **887.**

The circulation of fraudulent posters among the voters does not, in the absence of proof of effect or of complicity of the opposing party, justify rejection of the poll. Volume **II,** section **938.**

The House declined to consider false publications, neither party being shown to be concerned therein, and no deception of voters being shown as a reason for changing an election return. Volume **II,** section **1129.**

A shifting of numerous ballot boxes, done to deceive the voter, was held to be unlawful, though not forbidden by law. Volume **II,** section **1034.**

Ballot placed by the voters in the wrong box through deceptive acts of election officers were counted by the House. Volume **II,** section **1034.**

(135) Decisions by the House.—Forms of Resolutions for.

Form of resolutions declaring returned Member not entitled to the seat and seating contestant. Volume **II,** section **970.**

Form of resolution confirming the title of sitting Member to his seat. Volume **I,** section **769.**

Form of resolution seating a contestant without in terms unseating the sitting Member. Volume **I,** section **780.**

Form of resolutions for unseating a Member for disqualification. Volume **I,** section **425.**

Form of resolution declaring a contested seat vacant. Volume **II,** section **1126.**

ELECTIONS OF REPRESENTATIVES—Continued.

(136) Decisions by the House.—Affirmative and Negative Effects.

In voting on election cases the negativing of one proposition is not regarded as affirming its converse. Volume **I,** section **655.**

The House, overruling its Speaker, held that a negative decision on a resolution declaring a contestant not elected was not equivalent to affirmation. Volume **I,** section **775.**

The House, overruling its Speaker, held that a negative decision on a resolution declaring a person not entitled to a seat was not equivalent to an affirmation of the title. Volume **I,** section **654.**

Effect of negative votes by the House on affirmative propositions as to the titles of persons to seats, especially as related to the creation of vacancies (footnote). Volume **III,** section **2588.**

The House negatived a declaration that sitting Member was entitled to the seat, it was then declared by resolution that the seat was vacant. Volume **I,** section **819.**

The negativing of a resolution declaring a sitting Member not elected left him undisturbed in his seat. Volume **I,** section **760.**

(137) Decisions by the House.—Obstruction of.

Instance wherein final action in an election case was prevented by obstruction. Volume **II,** section **1017.**

Instance of obstruction in an election case which forced a compromise as to another matter of legislation. Volume **II,** section **999**

(138) Decisions by the House.—Effect of Votes to Lay on the Table.

A question relating to a Member's right to his seat being laid on the table, the Member continues in his functions. Volume **I,** section **461.**

A resolution declaring a Delegate entitled to his seat being laid on the table, the Delegate continued to exercise his functions. Volume **I,** section **467.**

The report of an elections committee being laid on the table, the sitting Member retains the seat. Volume **I,** section **618.**

A resolution declaring a Delegate (already seated on prima facie showing) entitled to his seat being laid on the table, his status was not thereby affected. Volume **I,** section **656.**

A memorial of an equivocal character, not considered sufficiently definite to be dismissed, was laid on the table. Volume **VI,** section **136.**

(139) Decisions by the House.—Effect of Mere Amendment.

The resolution before the House providing that a contestant have leave to withdraw, the mere adoption of an amendment to seat contestant does not thereby decide the case. Volume **II,** section **983.**

(140) Decisions by the House.—In Relation to Taking the Oath.

A division being demanded on a resolution for seating several claimants, the oath may be administered to each as soon as his case is decided. Volume **I,** section **623.**

A Member-elect may not take the oath until a motion to reconsider the vote determining his title is disposed of. Volume **I,** section **335.**

When the House votes to admit a Member, and the motion to reconsider is disposed of, the right to be sworn is complete and not to be deferred, even by a motion to adjourn. Volume **I,** section **622.**

(141) Decisions by the House.—Doctrine of Res Adjudicata.

In a case wherein a contestant appeared after a determination of final right to a seat by the House, the sitting Member was unseated and a vacancy declared. Volume **I,** section **518.**

Discussion in the Senate of the doctrine of res adjudicata as applied to an election case. Volume **I,** section **357.**

ELECTIONS OF REPRESENTATIVES—Continued.

(141) Decisions by the House.—Doctrine of Res Adjudicata—Continued.

The Senate has decided that while discovery of new evidence might cause review of a decision in an election case it should not for other reasons change a judgment once made. Volume **I,** section **564.**

Decision by a committee, acquiesced in by the Senate, that an election case once definitely settled might not be reopened. Volume **I,** section **344.**

The majority of the Senate committee contended that the doctrine of res adjudicata did not apply to a decision incident to the credentials and made without full and formal examination of the merits. Volume **I,** section **629.**

A Senate election case having been once decided, an attempt to reopen it failed after a favorable report from a committee and elaborate discussion. Volume **I,** section **357.**

(142) Decisions by the House.—Burden of Proof on Contestant.

Affirmation of the rule that the burden of proof in contested-election cases rests with the contestant. Volume **VI,** section **189.**

Where it appeared that even if contestant's contentions were conceded the contestee would still have a majority of the votes cast, the House confirmed the title of sitting Member. Volume **VI,** section **111.**

In determining issues in a contested election all cases of doubt were resolved in favor of the incumbent, for the reason that he has received the certificate of election. Volume **II,** section **172.**

The burden of proving error or falsity of election returns rests upon the contestant. Volume **II,** section **124.**

When under the forms of law the sitting Member has been duly certified as elected, the legal presumption is that the returns are correct, and the burden of proof to the contrary rests upon the contestant. Volume **II,** section **125.**

The contestant must overcome contestee's prima facie right, invalidate the latter's title, and show himself entitled to the seat. Volume **II,** sections **855, 1083.**

The House does not change the returned result of an election because of frauds and irregularities, unless they are sufficient to change the result. Volume **I,** section **643.**

Contestant may not impeach the title of sitting Member by general averments of error, fraud, bribery, or coercion, but must specifically set forth in notice of contest the grounds upon which the contest is brought. Volume **VI,** section **102.**

Contestant failing to comply with rules adopted by committee and ignoring inquiries propounded by the committee, was held not to have sustained charges made in notice of contest. Volume **VI,** section **103.**

The mere existence of frauds and irregularities does not vitiate an election if insufficient to affect the result. Volume **II,** sections **1118, 1127.**

Although there may be evidence establishing a conspiracy to defraud, it is still necessary to show effects in order to change the result. Volume **II,** section **1025.**

In a district shown to be permeated by fraud and intimidation, the contestant must still show sufficient effects to change the result. Volume **II,** section **1039.**

Although widespread frauds are shown in a district, yet contestant must show that they affect enough votes to change the result. Volume **II,** section **1040.**

Although extensive frauds and irregularities were shown, the failure to show that the official return was overcome caused the House to confirm contestee's title. Volume **II,** section **1101.**

Although glaring frauds and intimidation have existed, yet conceded fairness in a portion of the district and the legal presumption in favor of other portions have saved the seat to contestee. Volume **II,** section **1035.**

Contestant's evidence being too indefinite to establish his case, the House confirmed the title of sitting Member, although irregularities in the election were evident. Volume **I,** section **651.**

ELECTIONS OF REPRESENTATIVES—Continued.

(142) Decisions by the House.—Burden of Proof on Contestant—Continued.

Improper acts by a candidate's friends without his participation are of effect only so far as they are shown to have actually affected the result. Volume **II,** section **944.**

The mere fact that candidates for other offices on the same ticket received large majorities while contestant received a minority of the votes cast, does not justify a contest. Volume **VI,** section **117.**

A contestant is estopped from charging against the contestee irregularities which he himself practiced. Volume **VI,** section **127.**

Where contestant's case did not overcome returned Member's majority, the House did not consider the returned Member's counter charges. Volume **II,** section **1084.**

The contestant having conceded the election of the contestee, the House confirmed the title of the sitting Member. Volume **VI,** section **118.**

No evidence having been adduced to sustain any allegation of contestant, the House confirmed the title of the sitting Member. Volume **VI,** sections **131, 161.**

Where no proof was adduced to support in any substantial way the allegations made in the notice of contest, the committee recommended confirmation of the right of the sitting Member to his seat. Volume **VI,** section **187**

(143) Decisions by the House.—Plurality of Sound Votes Determines.

The House having deducted from the returns the number of votes cast by disqualified persons, awarded the seat to the candidate receiving the highest number of votes cast by qualified voters. Volume **I,** sections **762, 765.**

The major part of the votes in a district being honestly given and duly canvassed, the person having a plurality of such major part was held to be elected. Volume **I,** section **759.**

Having deducted from the poll all the votes illegally given, the House confirmed the title of sitting Member, who had a majority of legal votes. Volume **I,** section **770.**

Instance wherein the House seated a contestant shown to be elected by a plurality of 1 vote. Volume **I,** section **776.**

The House, having corrected the returns by an ascertainment of the qualifications of certain voters, seated the contestant in accordance with the findings. Volume **I,** section **767.**

Overruling its committee, the House declined to deduct proportionately from the two candidates unidentified votes cast by disqualified persons. Volume **II,** section **921.**

Not knowing who profited by certain decisive votes cast by disqualified voters, the House hesitated to declare the seat vacant. Volume **I,** section **822.**

(144) Decisions by the House.—Person Receiving a Minority of Votes Never Seated.

The disqualification of a Member-elect does not entitle a minority candidate to the seat. Volume **I,** section **326.** Volume **VI,** section **58.**

The exclusion of a disloyal Member-elect would not allow a minority candidate to take the seat. Volume **I,** section **323.**

A Member being appointed to fill the vacancy. Volume **I,** section **807.**

The person receiving the majority of the votes in a district being excluded as disqualified, the House, after careful examination, declined to seat the one receiving the next highest number. Volume **I,** section **450.**

The Elections Committee, in a report sustained on the main issue, held as an incidental question that the English law as to seating a minority candidate when a vacancy is caused by disqualifications is not applicable under the Constitution. Volume **I,** section **450.**

In 1868 the House refused a seat to a contestant who received a small minority of the votes in a Territory but who alleged that the majority voters were disqualified by treasonable antagonism to the Government. Volume **I,** section **467.**

ELECTIONS OF REPRESENTATIVES—Continued.

(145) Decisions by the House.—Party Considerations.

Instance wherein the House unseated a Member of the majority party. Volume **II,** section **995.**

Instance wherein the House declined to seat contestant belonging to the political party in a majority in the House. Volume **II,** section **1001.** Volume **VI,** section **162.**

An instance wherein the House seated a contestant belonging to the minority part (footnote). Volume **I,** sections **38, 46, 604.** Volume **II,** sections **891, 952, 958.**

Instance wherein the House declined to follow its committees in awarding the seat of a Member of the majority to a Member of the minority party (footnote). Volume **II,** section **868.**

Discussion of impartiality of the House as evidenced in the consideration and disposition of contested-election cases. Volume **VI,** section **160.**

Instance wherein the Elections Committee recommended seating of a contestant of minority party, but was overruled by the House. Volume **I,** section **576.**

An early instance where partisan bias was charged against the Election Committee. Volume **I,** section **795.**

Instances wherein contestants belonging to the party in the minority in the House were seated (footnote). Volume **I,** sections **38, 46, 604.** Volume **II,** sections **891, 952, 958.**

(146) Decisions by the House.—Declaring Vacancies.

It being impossible to determine who is elected, the House declares the seat vacant. Volume **I,** section **505.**

It being impracticable for the House to determine with any certainty who was elected, the seat was declared vacant. Volume **I,** section **55.**

The report of the Elections Committee not leading to a certain conclusion, the House declared the seat vacant. Volume **I,** section **819.**

The fact that a decisive number of voters stand in line to vote and are prevented justifies a declaration that the seat is vacant. Volume **II,** section **1033.**

The Elections Committee, in an unsustained report, held that a seat should be declared vacant for a fraud which might have reversed the result. Volume **I,** section **822.**

Not knowing who profited by certain decisive votes cast by disqualified voters, the House hesitated to declare the seat vacant. Volume **I,** section **822.**

The House declined to declare the seat vacant because illegal votes, cast at a few precincts but decisive of the general result, could not be segregated. Volume **II,** section **941.**

When a Member was returned by a majority of one, which was rendered uncertain by a recount, the House declared the seat vacant. Volume **I,** section **824.**

In an early election case the House, having ascertained great irregularities, unseated the returned Member but did not seat contestant. Volume **I,** section **709.**

Where fraud so permeated a large part of the district as to prevent a full, free, and fair expression of the voter's will, the seat was declared vacant. Volume **II,** section **1123.**

An investigation showing for sitting Member a majority, the House declined to vacate the seat because certain irregularities (not frauds) suggested that further inquiry might change the result. Volume **I,** section **783.**

Although fraud and intimidation in a district had been very extensive, the House preferred seating contestant to declaring the seat vacant. Volume **II,** section **970.**

There being no time to collect the evidence needed to determine the right to a seat the House, on a showing unfavorable to sitting Delegate, declared the seat vacant. Volume **I,** section **773.**

The Elections Committee having recommended a declaration that the seat be declared vacant, a question arose as to the contestant's position. Volume **I,** section **324.**

An affirmative vote on the first part of a resolution declaring the sitting member not elected, followed by a negative vote on the second part declaring the contestant elected, leaves the seat vacant. Volume **VI,** section **139.**

ELECTIONS OF REPRESENTATIVES—Continued.

(146) Decisions by the House.—Declaring Vacancies—Continued.

An election being found invalid in three out of five counties in the district, the House declared the seat vacant, declining to seat the contestant. Volume **I,** section **321.**

The House declined to declare a seat vacant in a case wherein unsatisfactory proof of contestant's election was reinforced by bad conduct of election officers favorable to contestee. Volume **II,** section **875.**

In a case wherein a contestant appeared after a determination of final right to a seat by the House, the sitting Member was unseated and a vacancy declared. Volume **I,** section **518.**

Forms of resolutions declaring a seat vacant in a case wherein the contestant had died. Volume **II,** section **1019.**

Where the validity of a State's election system was questioned the House merely declared contestant not elected, and did not declare sitting Member entitled to the seat. Volume **II,** section **1135.**

Although it appeared that fraud and illegal practices were prevalent in the general election, yet in the absence of legal proof that the fraud and illegal methods complained of entered into the particular election under consideration the House declined to vacate the seat. Volume **VI,** section **111.**

The committee recommended that a Senator's election be declared void, enough bribery being shown to have affected the result. Volume **I,** section **693.**

The House, overruling its committee, declared the seat vacant in a case wherein thousands of voters were kept from the polls by what it deemed an unconstitutional registration law. Volume **II,** section **1075.**

Nealry half of the votes of a district being rejected the Elections Committee, in an inconclusive case, favored a declaration that the seat was vacant. Volume **II,** section **926.**

An election invalid in eleven out of twelve counties, leaving only 737 valid votes out of 8,941, should cause the seat to be declared vacant. Volume **I,** section **323.**

The House declined to admit a claimant on the vote of three out of seven parishes, 19,078 out of 27,019 votes having been rejected. Volume **I,** section **327.**

One-third of the votes of a district being rejected, the House did not seat contestant, but declared the seat vacant. Volume **II,** section **920.**

An election in a district was not declared void on account of invalidity in one-fifth of the parishes, affecting less than a third of the vote. Volume **I,** section **340.**

The House considered an election valid, although in five of ten parishes the vote, which was less than half the vote of the district, was rejected. Volume **I,** section **335.**

A Member-elect who had been appointed on a committee before taking the oath not having appeared, the Speaker, with the consent of the House, appointed another Member to the vacancy. Volume **IV,** section **4484.**

The House did not indorse a proposition to declare a seat vacant because of irregularities on the part of election officers not shown to be corrupt. Volume **I,** section **807.**

The House declined to order a new election because of a failure to open polls at a few places in a district, neither party being shown to be responsible therefor. Volume **II,** section 1015.

The House, overruling its committee, declined to unseat a returned Delegate because in calling the election the governor had exercised doubtful authority. Volume **I,** section **766.**

A question as to whether or not the House, from historic knowledge merely, may decide that the result of an election has been invalidated by intimidation. Volume **I,** section **327.**

The invalidity of an election in one county out of three did not justify declaring the seat vacant. Volume **I,** section **320.**

ELECTIONS OF REPRESENTATIVES—Continued.

(146) Decisions by the House.—Declaring Vacancies—Continued.

The House adjudged valid for prima facie title an election wherein parishes casting 14,346 out of 27,055 votes in the district were rejected. Volume **I,** section **328.**

The returns of a decisive portion of the district having been lost, and the vote not being proven aliunde, the House declined to declare the seat vacant or examine further before seating contestant. Volume **II,** section **914.**

The invalidity of an election in one county out of three did not justify declaring the seat vacant. Volume **I,** section **320.**

Instance wherein, by majority vote, the House unseated a person whose title was not contested but whose election was invalid. Volume **I,** section **366.**

An election to fill a vacancy being held in a newly-apportioned district, the larger portion of which was new both as to territory and people, the Elections Committee considered the election invalid. Volume **I,** section **327.**

(147) Decision by the House.—Informing State Executive of Vacancies.

A seat being declared vacant, the House directs that the executive of the State be informed. Volume **II,** sections **1203–1205.**

A seat being declared vacant,the Speaker was directed to inform the executive of the State. Volume **I,** sections **709, 824.**

The seat of a Delegate being declared vacant, the Speaker was directed to inform the governor of a Territory. Volume **I,** section **773.**

(148) Decisions by the House—when a Second Election is Held.

The House unseated a person returned as elected at a second election on ascertaining that another person had actually been chosen at the first election. Volume **I,** section **646.**

Candidates at an inconclusive election having waived their claims,the House held that the result of a new election might not be disturbed because of alleged errors in the first election. Volume **I,** section **555.**

(149) Decisions by the House.—Status of Contestant as Related to Returned Member.

Discussion in 1793 as to propriety of seating a petitioner after the unseating of the returned Member. Volume **I,** section **758.**

The returned Member being unseated by rejection of informal ballots the House seated the contestant. Volume **I,** section **758.** Volume **VI,** section **96.**

The House, having corrected the returns by an ascertainment of the qualifications of certain voters, seated the contestant in accordance with the findings. Volume **I,** section **767.**

Instance wherein the House decided an election contest against a returned Member who had not appeared to claim the seat. Volume **I,** sections **638, 649.**

Instance wherein the House seated a contestant shown to be elected by a plurality of one vote. Volume **I,** section **776.**

(150) Decision by the House—When State Laws are Attacked.

The validity of the election laws of a State being impeached and the question not being determined, the House declared a contestant not elected, but did not affirm the title of returned Member, who had a majority of the votes cast. Volume **I,** section **644.**

The integrity of the laws governing the election being impeached, the committee recommended that the seat be declared vacant. Volume **I,** section **827.**

The Elections Committee declined to consider an allegation that an election, otherwise unimpeached, was invalid because the constitution of the State was void. Volume **I,** section **754.**

The constitutionality of a State's election laws being challenged, the House declared contestant not elected without passing on the title of the sitting Member to his seat. Volume **VI,** section **128.**

ELECTIONS OF REPRESENTATIVES—Continued.

(151) Decision by the House.—General Principles.

A Member-elect having resigned, the House decided that the person elected as his successor was entitled to the seat. Volume **II,** section **1230.**

An instance wherein one who had been declared elected to a seat in the House declined to accept it. Volume **II,** section **1234.**

In the First Congress the House, after a committee had reported the facts, decided an election case without further hearing on the floor. Volume **I,** section **757.**

The committee having reported a conclusion in an election case, the House declined to pass judgment on the propositions leading to the conclusion. Volume **I,** section **786.**

Instance wherein, in the decision of an election case, each vote was treated as a distinct controversy. Volume **I,** section **795.**

The House is disinclined to give force to a point raised in debate but overlooked both in the report and views of the Elections Committee. Volume **II,** section **958.**

An instance wherein the House decided on its own initiative an election case pending before the Committee on elections. Volume **I,** section **462.**

Instance wherein, by majority vote, the House unseated a person whose title was not contested, but whose election was invalid. Volume **I,** section **366.**

The House, overruling its committee, concluded to decide an election case as made up without giving sitting Member time for further investigation. Volume **I,** section **767.**

Notices of election having failed to reach two towns in a district and no votes being cast in those towns, the House declined to affirm sitting Member's title without direct evidence as to the numbers of voters in the towns. Volume **I,** section **761.**

Returned Member having acknowledged to the House, before the decision of the committee, that contestant was elected, the House preferred to adopt the usual resolutions before seating contestant. Volume **I,** section **742.**

The report on the contest for the seat occupied by Mr. Speaker Carlisle was presented and acted on in his absence from the House. Volume **II,** section **1361.**

Certain petitioners against the right of a returned Member to his seat having impugned his personal conduct in the election, the House rendered a decision thereon. Volume **I,** section **763.**

A pending single resolution providing for seating several claimants, the Speaker ruled that the vote might be taken separately as to each claimant. Volume **I,** section **623.**

After an election case is reported on by the committee the House is reluctant to recommit for further examination. Volume **II,** section **1035.**

Where the fact of election was not disputed the House seated a Member-elect without reference to the Elections Committee, although the State authority had denied him credentials. Volume **I,** section **553.**

An instance of adverse action on a memorial presented by a person claiming to have been elected to the House of Representatives. Volume **VI,** section **152.**

Instance wherein a contested election case was decided without formal report from the committee. Volume **VI,** section **141.**

The House recommitted a report in an election case for inquiry as to newly made charges of disloyalty against both parties. Volume **II,** section **868.**

(152) Determination of Result.

A question as to what constitutes a "determination of the result" of an election under the terms of the law of 1851 relating to notice of contest. Volume **I,** sections **597, 862, 884, 992.**

A notice of contest served within thirty days of issuance of the governor's proclamation was held sufficient, although the proclamation was not issued within the time prescribed by law. Volume **I,** section **38.**

An affidavit taken without notice to opposing candidate and before the result had been determined was rejected as evidence. Volume **I,** section **618.**

ELECTIONS OF REPRESENTATIVES—Continued.

(153) Directory Laws.—Discussion of as distinguished From Mandatory Laws.

Discussion of the distinction between directory and mandatory election laws. Volume **II,** sections **916, 1078.** Volume **VI,** sections **88, 95, 113, 147.**

Statement of the true doctrine as to construction of election laws as mandatory or directory. Volume **II,** section **959.**

Discussion of mandatory and directory law as related to the acts of voters and election officers. Volume **II,** section **939.**

Discussion of a registration law as mandatory or directory. Volume **II,** section **1002.**

Discussion of directory and mandatory laws as related to irregularities in conduct of elections. Volume **I,** section **807.**

Discussion as to duties of returning officers with reference to technical requirement of law. Volume **I,** section **802.**

Question as to whether or not a law requiring returns to be transmitted sealed should be considered mandatory or directory. Volume **II,** section **922.**

Discussion as to whether a voter should be disfranchised for failure of election officers to obey a law requiring endorsement and numbering of the ballot. Volume **II,** section **1047.**

Discussion of directory and mandatory requirements of law as applied to the ballot and in relation to the rights of the voter. Volume **II,** section **1016.**

Discussion as to the mandatory or directory nature of a law providing that a ballot prepared in a certain way, and no other, shall be used. Volume **II,** section **1095.**

As to the mandatory or directory nature of a law requiring nonregistered voters to file affidavits when they vote. Volume **II,** section **1041.**

(154) Directory Laws.—Disregard of, Not Reason for Rejection of Returns.

Where the electors comply with the statutes the House should not reject their votes because returning officers have not been equally careful. Volume **I,** section **778.**

Irregularities found to be infractions of directory provisions of law do not justify rejection of the poll.Volume **II,** section **925.**

A State law requiring returns to be made to the secretary of state within a given time was held to be directory merely and not to prevent the House from counting the votes. Volume **I,** section **812.**

No fraud being alleged, the House counted returns transmitted in an unsealed package, although the State law required the package to be sealed. Volume **I,** section **774.**

The vote is not vitiated by failure too observe a directory law as to method of tabulation of returns. Volume **II,** section **915.**

An election is not vitiated by failure to observe a directory law that the ballots shall be returned within a given time. Volume **I,** section **781.**

Instance wherein a law providing method of establishing polling places was construed as directory rather than mandatory. Volume **II,** section **994.**

An election is not affected by the fact that the registration lists are in writing when the law requires them to be in printing. Volume **II,** section **1084.**

The failure of an election judge to detach a stub from a ballot, as he was required to do by law, did not justify the rejection of a ballot cast in good faith. Volume **II,** section **1120.**

A State law requiring two ballet boxes to be kept at each polling place was construed by the House as directory only, and in the absence of fraud a neglect of the provision did not nullify the election. Volume **I,** section **456.**

Where ballots for different offices are cast in different boxes the intention of the voter is to be ascertained alone from the box in which the ticket is deposited. Volume **I,** section **779.**

The House followed a State law in rejecting ballots folded together, but considered evidence tending to show fraud before doing so. Volume **I,** section **776.**

ELECTIONS OF REPRESENTATIVES—Continued.

(154) Directory Laws.—Disregard of, Not Reason for Rejection of Returns—Continued.

Participation of relatives of a contestant as election officers was not held fatal to the return, although the State constitution might seem to imply a prohibition of such participation. Volume **I,** section **778.**

The law governing the method of transmitting the testimony in an election case to the Clerk of the House was held to be directory merely. Volume **I,** section **736.**

A legislature having proceeded without objection to elect a Senator, failure to comply with requirements of a directory State law did not vitiate the election. Volume **I,** section **884.**

(155) Directory Laws.—Rejection of Returns for Disregard of Law.

Where a law requiring ballots to be numbered, even though directory merely, was totally disregarded and the poll books and ballot box disagreed, essentially, the returns were rejected. Volume **II,** section **1128.**

The House reviewed and reversed the decision of election officers in admitting a ballot not conforming to the State law. Volume **I,** section **775.**

The State law having prescribed a form of ballot and voting, the House rejected ballots cast in different form. Volume **I,** section **758.**

The removal of the poll from the place prescribed by law was a violation of a mandatory provision, justifying its rejection. Volume **II,** section **926.**

In a report barely sustained by the House it was held that the making of a registration in disregard of the terms of law justified rejection of the returns. Volume **II,** section **1112.**

Instance of rejection of a precinct return because of a violation of an alleged mandatory law requiring ballots to be counted before adjournment of the election. Volume **II,** section **1113.**

(156) Election to be by the People.

The House is composed of Members chosen every second year by the people of the several States. Volume **I,** section **297.**

The Constitution requires election of Representatives by the people, and State authorities may not determine a tie by lot. Volume **I,** section **775.**

In Rhode Island in 1886 a majority vote was required for election of a Representative in Congress. Volume **II,** section **1004.**

The rule gives to the Committee on Election of President, Vice-President, and Representatives in Congress jurisdiction of subjects relating to the election of the officials enumerated in the designation. Volume **IV,** section **4299.**

The Committee on Election of President, Vice-President, and Representatives in Congress has reported proposed constitutional amendments providing for election of Senators by the people and the disqualification of polygamists as Representatives. Volume **IV,** section **4300.**

Two candidates having equal numbers of votes, the governor did not issue credentials to either, but ordered a new election after they had waived their respective claims. Volume **I,** section **555.**

(157) Election Committees.—History and Jurisdiction of.

The creation and history of the Committees on Elections, section 1 of Rule XI. Volume **IV,** section **4019.**

The Committee on Elections No. 1 has exercised jurisdiction over bills revising the law governing proceedings in contested election cases. Volume **VII,** section **1722.**

The rules give to the jurisdiction of the respective Committees on Elections subjects "relating to the election of Members." Volume **IV,** section **4019.**

The House has given to a committee the right to decide on either the prima facie or final right to a seat before authorizing the oath to be administered to a Delegate. Volume **I,** section **471.**

In the early practice it was the duty of the Committee on Elections to examine and report on the credentials of all the Members (footnote). Volume **I,** section **568.**

ELECTIONS OF REPRESENTATIVES—Continued.

(157) Elections Committees.—History and Jurisdiction of—Continued.

The Committees on Rules, Elections, Ways and Means, Rivers and Harbors, Public Lands, Territories, Enrolled Bills, Invalid Pensions, Printing and Accounts may report at any time on certain matters. Volume **IV,** section **4621.**

Distinction between qualifications and returns and election as related to jurisdiction of the Committee on Elections. Volume **II,** section **946.**

(158) Elections Committees.—Appointment of.

The Speaker's seat being contested, he requested that the House relieve him of the appointment of the Committee on Elections, and the request was granted. Volume **II,** section **1360.**

The seat of the Speaker being contested, the Committee on Elections were appointed by resolution of the House. Volume **II,** section **1361.**

The Speaker's seat being contested, the House directed that the Elections Committee be appointed by the Speaker pro tempore. Volume **I,** section **809.**

Instance wherein a Member of the House was authorized to act as a member of Elections Committee during the consideration of certain cases. Volume **I,** section **636.**

In 1870 the Committee on Elections was divided into subcommittees, to each of which was given the power of reporting directly the House. Volume **IV,** section **4551.**

(159) Elections Committees.—Duty of.

The House has declared that an election committee should act as a judicial body, according to the rules of law. Volume **I,** section **635.**

As early instance where partisan bias was charged against the Elections Committee. Volume **I,** section **795.**

The House may give to its Elections Committee discretion to regulate the serving of notice and taking of testimony in an election case. Volume **I,** section **599.**

(160) Elections Committees.—Procedure of and Rules Governing.

Rules of the Elections Committees for hearing a contested election case. Volume **I,** section **707.** Volume **VI,** section **110.**

A rule provides that all contested election cases shall be reported within six months after the convening of the first regular session of Congress. Volume **VIII,** section **2277.**

Application of a rule of the Committee on Elections. Volume **VI,** section **162.**

Parties to a contested election case may be defaulted for noncompliance with the rules of the committee on elections. Volume **VI,** section **117.**

Instance wherein the time specified by the rules within which the Election Committees of the House shall make final report on contested-election cases was extended by resolution. Volume **VI,** sections **55, 185.**

Parties to a contested election case may be defaulted for noncompliance with the rules of the committee on elections. Volume **VI,** section **117.**

Consideration of the point of order that the report on a contested-election case was not submitted within the time specified by the rules of the House. Volume **VI,** section **182.**

The right of contestee to cross-examine and present testimony was conceded in the first election case. Volume **I,** section **717.**

Criticism and discussion as to latitude of inquiry permitted in a committee's investigation of the right of a Senator to his seat. Volume **I,** section **693.**

Instance wherein the House authorized a subpoena duces tecum by registered letter. Volume **I,** section **731.**

Instance wherein the Elections Committee declined to order the production of ballots and decided the case as made up under the general law. Volume **I,** section **732.**

The first rule for the examination of an election contest before the Elections Committee. Volume **I,** section **717.**

ELECTIONS OF REPRESENTATIVES—Continued.

(160) Elections Committees.—Procedure of and Rules Governing—Continued.

In the First Congress the House required its Elections Committee to hear testimony and arguments on both sides of the case and to report facts only to the House. Volume **I,** section **756.**

The Elections Committee at the outset of an investigation called on the claimants to state in writing the grounds of their respective claims. Volume **I,** section **792.**

Early instance wherein the Elections Committee heard arguments of the parties on the evidence. Volume **I,** section **782.**

Argument that an election case is a public inquiry, which should proceed on more liberal principles than a private litigation. Volume **I,** section **836.**

Motions to discharge committees from consideration of questions privileged under the Constitution, as the right of a Member to his seat or the right to consider a vetoed bill, frequently have been held in order. Volume **VIII,** section **2316.**

An exception allows nine months within which to report contested election cases from the territory of Alaska. Volume **VIII,** section **2277.**

Instance wherein a contested election case was decided without formal report from the committee. Volume **VI,** section **141.**

Instance wherein the committee on elections submitted resolution deciding an election case without accompanying report. Volume **VI,** section **149.**

Instance wherein the committee without submitting formal report authorized submission to the House of resolutions deciding an election case. Volume **VI,** section **140.**

Under the practice of the House ample time is allowed for filing minority views in contested election cases. Volume **VI,** section **138.**

The opinion of one Member of the Elections Committee, not necessarily approved by the House, is insufficient to establish a precedent. Volume **VI,** section **58.**

(161) Elections Committee.—Reports of.

A committee having power to report on either prima facie or final right made a single report on final right only. Volume **I,** section **472.**

Instance wherein the report of the Elections Committee was overruled by the House. Volume **I,** sections **783, 829.**

A committee being unable to reach a decision, this fact was reported, with accompanying minority views. Volume **II,** section **945.**

An elections committee being seriously confused as to its majority and minority conclusions, the House disregarded both. Volume **I,** section **819.**

Report of an elections committee is sometimes presented by a Member belonging to the minority party in the House (footnote). Volume **II,** section 957.

Instance in 1832 wherein a minority dissent was voiced in the report of the majority and not in separate "views." Volume **I,** section **783.**

An instance wherein a Senate committee reported in a single resolution their conclusions as to the election cases of claimants from different States. Volume **I,** section **394.**

Instance wherein the time specified by the rules within which the Election Committees of the House shall make final report on contested-election cases was extended by resolution. Volume **VI,** sections **55, 185.**

Instance wherein the committee rejected the majority report of its subcommittee and adopted the minority views. Volume **VI,** section **188.**

Consideration of the point of order that the report on a contested-election case was not submitted within the time specified by the rules of the House. Volume **VI,** section **182.**

A point of order being raised challenging the validity of a report on a contested-election case presented for filing, the Speaker directed that the report be printed with a reservation of the point of order. Volume **VI,** section **182.**

ELECTIONS OF REPRESENTATIVES—Continued.

(161) Elections Committee.—Reports of—Continued.

Laches of contestant in prosecuting contest having rendered impossible the submission of final report by elections committee within time provided by rule of the House, the committee declined to consider the merits of the case and were discharged. Volume **VI,** section **164.**

The Elections Committee in an unsustained report held that illegal votes, the nature of which could not be ascertained, should be subtracted pro rata from the votes of the contestant and contestee. Volume **VI,** section **160.**

The Committee on Election of President, Vice-President, and Representatives in Congress has reported on bills relating to contests of election of Representatives in Congress. Volume **VII,** section **2027.**

Instance wherein a minority report criticized the election laws of the State in which the contested election was held. Volume **VI,** section **125.**

Instance wherein the report criticizes election laws of a State. Volume **VI,** section **159.**

The Elections Committee in an unsustained report held that illegal votes, the nature of which could not be ascertained, should be subtracted pro rata from the votes of the contestant and contestee. Volume **VI,** section **160.**

A point of order being raised challenging the validity of a report on a contested-election case presented for filing, the Speaker directed that the report be printed with a reservation of the point of order. Volume **VI,** section **182.**

A copy of the notice of contest and the answer in an election case is sent to the Clerk of the House with the testimony. Volume **I,** section **704.**

(162) English Precedents.

Discussion of the English and American rules of evidence as applied to the declaration of the voter. Volume **II,** section **885.**

The Elections Committee, in a report sustained on the main issue, held as an incidental question that the English law as to seating a minority candidate when a vacancy is caused by disqualifications is not applicable under the Constitution. Volume **I,** section **450.**

The English law under which a minority candidate succeeds to a vacancy resulting from the disqualification of the majority candidate is not applicable under the Constitution. Volume **VI,** section **59.**

Discussion as to the applicability of English decisions to American election cases. Volume **II,** section **988.**

Discussion of English and American election law as related to bribery. Volume **II,** section **946.**

Discussion as to validity of English rule that to justify rejection of votes bribery must be practiced by the candidate or agent. Volume **II,** section **907.**

(163) Errors in Elections of Representatives.—In the Ballot.

In dealing with ballots whereon occurs an error in a name, the limitations of the House are very different from those of canvassing officers. Volume **I,** section **639.**

Discussion as to the effect of the use of initials or the omission of a middle letter of a name on a ballot. Volume **I,** section **639.**

Errors in initials or spelling of a candidate's name do not ordinarily justify rejection of the votes. Volume **I,** section **575.**

The name of a candidate being written wrongly on a ballot, the House examined testimony as the intent of the voter. Volume **I,** section **641.**

Where clearly demonstrated that voters were misled by typographical errors in the ballot, the intention of the voter was taken into consideration by the House. Volume **VI,** section **94.**

ELECTIONS OF REPRESENTATIVES—Continued.

(164) Errors in Elections of Representatives.—In Voting.

A ballot accidentally placed in the wrong box should be counted. Volume **I,** section **575.**

Ballots deposited by error in a ballot box other than the Congressional box, and in charge of other officers, should be counted as if deposited aright. Volume **II,** section **1085.**

Votes found in the wrong ballot box have been counted without proof of mistake, although there was dissent in the committee. Volume **I,** section **537.**

One who has knowingly cast an illegal vote should not be relied on to prove how he voted, but it is otherwise in case of honest mistake. Volume **I,** section **585.**

Voters being deceived in casting a ballot not intended by them, the House corrected the error. Volume **II,** section **999.**

(165) Errors in Elections of Representatives.—In Returns.

Votes fairly and honestly given should not be set aside for the omission or error of the returning officer. Volume **I,** section **638.**

Clerical errors, whereby names of candidates are spelled wrong in the returns, do not invalidate correct ballots. Volume **II,** section **1051.**

Election officers having omitted the word "junior" in returning the vote of a candidate in two towns, the House seated the candidate on finding that the error had affected the result decisively. Volume **I,** section **648.**

The law requiring a return to "set forth in words at length" the number of votes, the governor in awarding prima facie right should construe an obscure word as a word in full, not a abbreviation. Volume **I,** section **582.**

A board of county canvassers, legally competent to recount, may make such recount, even after it has certified and forwarded the result of the first count. Volume **I,** section **581.**

A county board, charged by law with the immediate canvassing and transmittal of precinct results, may not change a prima facie result by correcting alleged errors in precinct returns. Volume **I,** section **538.**

An election return required by law to be made on or before a certain day should be counted if presented after that day, provided it be otherwise correct. Volume **I,** section **554.**

A vote not returned within the time required by law and of which the returns were not in the required form was rejected. Volume **I,** section **554.**

When irregularly of a jurat works rejection of a poll, unless canvassing officers are satisfied that the oath was taken, the counting of the poll is conclusive offset to a faulty jurat. Volume **I,** section **583.**

A slight technical error in a jurat, omitting that which may be made certain, should not cause rejection of a poll, even when the law makes rejection the penalty of improper certification of the oath. Volume **I,** section **583.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

The failure of an officer to certify properly a return does not prevent the admission of secondary evidence to prove the actual state of the vote. Volume **I,** section **640.**

An official return shown to be erroneous and incapable of correction ought to be rejected in entirety. Volume **VI,** section **144.**

Petition for an inspection of ballots must be supported by evidence indicating error in the official return and such request based merely on the hope of discovering error will not be entertained. Volume **VI,** section **143.**

(166) Errors in Elections of Representatives.—In General.

The Elections Committee declined, in 1882, to reopen a case to enable a contestant to correct his procedure. Volume **I,** section **725.**

Candidates at an inconclusive election having waived their claims, the House held that the result of a new election might not be disturbed because of alleged errors in the first election. Volume **I,** section **555.**

It is presumed that election officers who are partisans of the objecting party have not intentionally erred against his interest. Volume **II,** section **922.**

ELECTIONS OF REPRESENTATIVES—Continued.

(166) Errors in Elections of Representatives.—In General—Continued.

Clear and satisfactory proof of fraud or mistake is required to remove the legal presumption in favor of the corrections of the acts of sworn election officers. Volume **II,** section **906.**

Contestant may not impeach the title of sitting Member by general averments of error, fraud, bribery, or coercion, but must specifically set forth in notice of contest the grounds upon which the contest is brought. Volume **VI,** section **102.**

If it is reasonable to support there was error in judgment in counting ballots cast in a portion of the precincts in the district, it is equally reasonable to assume there was error in judgment in counting the ballots in the remaining precincts. Volume **VI,** section **126.**

(167) Evidence.—Time and Method of Taking.

Ninety days are allowed for taking testimony in an election case, divided between the parties. Volume **I,** section **697.**

Testimony in an election case must be taken within ninety days from the service of the answer of the returned Member. Volume **I,** section **697.**

Sundays and legal holidays are not excluded in computing the forty days allowed for taking testimony in an election case. Volume **I,** section **685.**

Interpretation of the law limiting the time of taking testimony in an election case. Volume **II,** section **936.**

The law governing the service of notice by the party desiring to take a deposition in an election case. Volume **I,** section **697.**

The law for taking testimony in an election case does not preclude both parties from proceeding at the same time. Volume **I,** section **726.**

Testimony in an election case may be taken at two or more places at the same time. Volume **I,** section **697.**

Both parties to an election contest may take their testimony at the same time before different officers. Volume **I,** section **606.**

The contestant is not limited as to the number of places in which he will take testimony at the same time. Volume **II,** section **1122.**

The taking of testimony in an election case may be adjourned from day to day. Volume **I,** section **704.**

The law allowing the parties in an election case by consent, in writing, to waive certain formalities in taking testimony. Volume **I,** section **699.**

The law governing the application for and issuing of subpoenas for witnesses in an election case. Volume **I,** section **698.**

The law for summoning and examining witnesses in an election case. Volume **I,** section **700.**

Form of resolution authorizing the Elections Committee to procure ballots and other evidence. Volume **I,** section **731.**

Form of resolution authorizing production of ballots for recount by committee. Volume **VI,** section **166.**

The law relating to the taking and certification of depositions in an election case. Volume **I,** section **700.**

The law for the transcribing and attestation of testimony in an election case. Volume **I,** section **702.**

In 1834 the Elections Committee adopted the rule that depositions must be signed by the witness, unless State law made the certificate of a magistrate sufficient. Volume **I,** section **54.**

Where a State law does not provide for reinspection of ballots, may they be examined under authority of the law for taking testimony in election cases? Volume **II,** section **1062.**

Reference to the early law for taking evidence in election cases (footnote). Volume **I,** section **708.**

ELECTIONS OF REPRESENTATIVES—Continued.

(167) Evidence.—Time and Method of Taking—Continued.

Instance where in the House directed the issue of a subpoena duces tecum to procure the ballots for examination in an election case. Volume **I,** section **731.**

Though ordering a recount of the ballots the committee declined to request attendance and testimony of contestee or to require the production of bank records. Volume **VI,** section **74.**

An election committee, while authorized to subpoena witnesses and compel the production of papers in an election case, is without such authority in proceedings for expulsion unless authorized by the House. Volume **VI,** section **77.**

Instance wherein the returned Member in an election case took no testimony. Volume **II,** section **1072.**

Instance of refusal of sitting Member's request for leave to submit evidence. Volume **VI,** section **139.**

The right of contestee to cross-examine and present testimony was conceded in the first election case. Volume **I,** section **717.**

Contestant having ignored, without reason or excuse, the plain mandate of the law relative to time of taking testimony, was held to have no standing as a contestant before the House. Volume **IV,** section **116.**

Contestant failing to take testimony within time provided by law, the House discharged the committee from further consideration of the case. Volume **VI,** section **164.**

Upon the death of the Member-elect the House provided by resolution for method of taking of testimony and service of notices. Volume **VI,** section **113.**

Where contestant's contention, even if substantiated, would not operate to change the return, the committee declined to order evidence. Volume **VI,** section **121.**

A condemnation by the Elections Committee of oral arrangements between parties to an election case for taking testimony out of time. Volume **I,** section **730.**

Discussion of the value as evidence of a party's declaration as to his vote, whether a part of the res gestae or not. Volume **I,** section **885.**

An affidavit of a voter as to how he intended to vote, made at the time the vote was rejected, was accepted as a valid declaration and part of the res gestae. Volume **II,** section **900.**

Discussion of the doctrine of res gestae as applied to certificates made by voters at the time of voting. Volume **II,** section **1103.**

Discussion of a signed statement of an elector whose vote has been refused in relation to the doctrine of res gestae. Volume **II,** section **1126.**

Instance wherein depositions given by voters at the time of voting were admitted in proof aliunde. Volume **II,** section **1111.**

In the Johnson trial the Senate sustained the Chief Justice in admitting as showing intent, on the principle of res gestae, evidence of respondent's verbal statement of the act to his Cabinet. Volume **III,** section **2242.**

In impeachment trials the rule that the best evidence procurable should be presented has been followed. Volume **III,** sections **2226–2229.**

Where ballots are numbered in connection with the voter's name the ballots themselves are the best evidence, and the testimony of the voter should not be taken. Volume **II,** section **1044.**

In 1874 the House declined to take issue with the Senate over an amendment of that body authorizing certain Government obligations. Volume **II,** section **1490.**

The words "raising revenue" in the rule giving privilege to the Ways and Means Committee are broadly construed to cover bills relating to the revenue. Volume **IV,** section **4624.**

A bill increasing the rate of postage has been held to affect the revenues and therefore to require consideration in Committee of the Whole. Volume **IV,** section **4861.**

A revenue amendment is not germane to an appropriation bill. Volume **V,** section **5852.**

The notice of contest in an election case must be specific in its allegations. Volume **I,** section **682.**

ELECTIONS OF REPRESENTATIVES—Continued.

(167) Evidence.—Time and Method of Taking—Continued.

Where no proof was adduced to support in any substantial way the allegations made in the notice of contest, the committee recommended confirmation of the right of the sitting Member to his seat. Volume **VI,** section **187.**

Where allegations of fraud, even if sustained, would not affect sufficient votes to change the result, the House refused to entertain a proposed contest. Volume **VI,** section **99.**

Counsel for contestee having admitted the justice of contestant's contention that certain returns ought to be excluded on account of fraud, it was held that the vote from those precincts should not be counted for either contestant or contestee. Volume **VI,** section **134.**

It being admitted that the contestee had a majority of the votes cast, the committee declined to pass on disputed ballots submitted for their consideration. Volume **VI,** section **169.**

Admissions in the brief of a party to a contest are of force if not contrary to proven facts. Volume **II,** section **1130.**

As to the force of admissions by counsel during argument of an election case. Volume **I,** section **1130.**

Admission by contestant that his evidence is of doubtful sufficiency is held to amount to waiver of the allegations. Volume **I,** section **588.**

A contention that the admissions of a claimant might not waive a prima facie title in which the people of the district were interested. Volume **I,** section **45.**

The presentation and reading of a document during introduction of evidence in an impeachment trial was held not to preclude an objection as to its admissibility. Volume **III,** section **2200.**

The Election Committee, in a sustained case, shifted the burden of proof to sitting Member on ascertaining that contestant had been entitled to the credentials. Volume **I,** section **582.**

The Elections Committee having ascertained that contestant rightfully was entitled to prima facie title, the burden of proof was shifted to sitting Member. Volume **II,** section **574.**

As to whether a correction of the returns changing the result may throw the burden of establishing his title on the returned Member. Volume **II,** section **1020.**

Those upholding an item in an appropriation should have the burden of showing the law authorizing it. Volume **IV,** section **3597.**

Those upholding an item in an appropriation bill have the burden of showing the law authorizing it. Volume **VII,** section **1275.**

While the burden of showing authorization for an appropriation rests upon those supporting the proposed legislation, if a law apparently supporting the appropriation is cited, the burden thereupon shifts to the opposition to show limitation of such law by subsequent legislation. Volume **VII,** section **1191.**

The Elections Committee, having ascertained that prima facie title should have been awarded to contestant, the burden of proof was shifted to sitting Member. Volume **I,** section **578.**

If the contestant shows a return illegal, does the burden fall on contestee to prove the vote when contestant has not attacked it in his notice? Volume **II,** section **948.**

Before resort can be had to ballots as evidence, absolute proof must be made that they are the identical ballots cast at the election; that they have been kept as required by law; that there has been no opportunity to tamper with them; and that they are in the same condition as when cast. The burden of such preliminary proof rests upon the party offering the ballots as evidence. Volume **VI,** section **115.**

An election officer, being presumed to do his duty, is presumed to have taken a required oath, and the burden of proving otherwise is on the objecting party. Volume **I,** section **782.**

The required return of the oaths of election officers not being made, the burden of proving the oath is thrown on the party claiming benefit from the votes. Volume **I,** section **841.**

ELECTIONS OF REPRESENTATIVES—Continued.

(167) Evidence.—Time and Method of Taking—Continued.

The showing prima facie by contestant of enough illegal votes to change the result does not shift the burden of proof to contestee.Volume **II,** section **940.**

A vote received by election officers is prima facie good, and the burden of proof should be on the party objecting thereto. Volume **I,** section **783.**

An admitted ballot is prima facie good, and the burden of proof is on the party objecting that the voter is an alien. Volume **I,** section **796.**

The burden is on the party objecting to the vote to show that the elector objected to for illegal registration was illegally registered and for whom he voted. Volume **I,** section **1048.**

A vote being received as sound, the mere fact that the voter is alien born does not compel the party claiming it to prove naturalization. Volume **I,** section **796.**

The mere existence of frauds and irregularities does not vitiate an election, if insufficient to affect the result. Volume **II,** sections **1118, 1127**

Although extensive frauds and irregularities were shown, the failure to show that official return was overcome caused the House to confirm contestee's title. Volume **II,** section **1101.**

In a district shown to be permeated by fraud and intimidation the contestant must still show sufficient effects to change the results. Volume **II,** section **1039.**

Although glaring frauds and intimidation have existed, yet conceded fairness in a portion of the district and the legal presumption in favor of other portions have saved the seat to contestee. Volume **II,** section **1035.**

Friends of contestant having been excluded from the count and contestee's agents having prevented the best testimony, the House excluded the return on secondary evidence. Volume **II,** section **1033.**

A person whose vote has been received by the officers of election is presumed to be qualified. Volume **I,** section **810.**

A vote received by election officers is presumed to be legal and is not to be impeached by a question of registration except on indubitable proof. Volume **II,** section **962.**

Until the contrary is proven election officers are presumed to have tested the voters' qualifications by a required oath. Volume **II,** section **934.**

Election officers being required to file certain affidavits with a prothonotary, his certificate that this was not done was accepted as a proof that the affidavits were not taken. Volume **II,** section **1130**

The mere fact that election officers are not divided as to party is not of itself proof that the law requiring such division has been violated. Volume **II,** section **1006.**

It is presumed that election officers who are partisans of the objecting party have not intentionally erred against his interest. Volume **II,** section **922.**

In absence of evidence to incriminate him, a returned Member is presumed innocent as to acts of agents of his party. Volume **II,** section **944.**

Ballots printed in unusual style confusing to the voter may contribute to destroy confidence in the officers responsible therefor. Volume **II,** section **1072.**

Contestant having neglected to show for whom votes impeached by him were cast they were deducted from his poll. Volume **II,** section **921.**

When a student is in a place simply for the purposes of education a presumption is thereby raised against his intent, and other proof as to residence is necessary. Volume **II,** section **1029.**

The law providing that employees of the State do not thereby gain a residence in the place where employed does not imply that presumption of nonresidence may not be overcome by proof. Volume **II,** section **1021.**

Instance wherein the vote of a disqualified voter was proven by the fact of his color. Volume **II,** section **985.**

A comparison of the votes cast with the population may be admitted as bearing on the question of intimidation. Volume **II,** section **887.**

ELECTIONS OF REPRESENTATIVES—Continued

(167) Evidence.—Time and Method of Taking—Continued.

The presumption arising from the fact of registration is not overthrown by the simple proof that the voters are students. Volume **II,** section **1080.**

The fact that registration officers register the voter raises the presumption that the latter gave proper answers to questions necessary to the act. Volume **II,** section **1048.**

Failure of registrar to appear when summoned to explain charges of illegal registration does not prove the charges. Volume **II,** section **1084.**

Evidence tending to show intimidation may be disproved by the ratio of votes cast to population. Volume **II,** section **891.**

Fraud will not be presumed simply from an unusual ratio between votes and population. Volume **II,** section **892.**

Instance wherein returns of a former election were cited to corroborate proof of intimidation and fraud. Volume **II,** section **969.**

If an elector enters into an express or implied agreement as to his vote the presumption is created that he votes in accordance with the agreement. Volume **II,** sections **917, 923.**

Testimony which merely raises a presumption that money was used for bribery is not sufficient to affect the determination of an election case. Volume **II,** section **1063.**

Where the examination so far as made showed fraud, but not sufficient to change the result, the House declined to presume fraud also as to other boxes which might change the result. Volume **II,** section **1035.**

Rejected ballots being illegally destroyed by election officers who were partisans of contestee and against protest, contestant was held entitled to the advantage of every doubt. Volume **II,** section **1079.**

Instance wherein the history of previous elections in a district and common knowledge as to its political condition was held to raise a presumption against the returns. Volume **II,** section **1030.**

The Elections Committee held that wherever a United States inspector was prevented from performing his legal duties at the poll the return should be rejected. Volume **II,** section **1039.**

A fraudulent registration was held to justify a conclusion that a conspiracy existed to perpetrate fraud in the election. Volume **II,** section **1128.**

An illegal destruction of ballots, but apparently done in good faith, was not held as evidence contributing to a charge or conspiracy. Volume **II,** section **1079.**

A notary taking testimony in an election case under the Federal law has jurisdiction within the district although State law may restrict his functions to a county. Volume **II,** section **1064.**

A question as to the validity in an election case of testimony taken before a notary public outside the county in which he was empowered to act. Volume **II,** section **720.**

Testimony in an election case being taken before a person who had ceased to be a notary. but none of the parties or witnesses being aware of this until nearly all the evidence was in, the House considered it. Volume **II,** section **1086.**

May a notary, acting under the authority of the law of 1851, require the production of ballots against the injunction of the State court? Volume **II,** section **1070.**

Where a minor may not hold an office, may such minor, as a notary, take testimony in an election case? Volume **II,** section **1049.**

Hearsay evidence is rejected in considering an election contest. Volume **II,** section **804.** Volume **II,** section **860.**

Ex parte and hearsay testimony is rejected by the Elections Committee. Volume **II,** section **1125.**

The House declined to reject a vote on charges of general bribery sustained by hearsay testimony. Volume **II,** section **1000.**

Hearsay evidence as to declarations of voters that they had been bribed in unsatisfactory and dangerous evidence. Volume **II,** section **738.**

ELECTIONS OF REPRESENTATIVES—Countinued.

(167) Evidence.—Time and Method of Taking—Continued.

Testimony quoting statements of the voter after election as to how he voted or as to this qualifications is inadmissible to prove illegality of a ballot, being hearsay. Volume **I,** section **585.**

Testimony as to what a voter said after election as to his vote is not admissible to prove for whom the vote was cast. Volume **I,** section **537.**

Evidence of declarations of voters after the election as to how they voted was rejected as hearsay. Volume **II,** section **988.**

Hearsay evidence as to declarations of voter as to how he had voted or would vote was held incompetent. Volume **I,** section **738.**

Evidence of hearsay declarations of the voter is receivable only when the fact that he voted is shown by evidence aliunde. Volume **II,** section **885.**

As to the testimony of third persons, objected to as hearsay, in cases of voters challenged for disqualifications. Volume **I,** section **842.**

Oral testimony as to the making of affidavits by rejected voters was accepted as evidence of the fact and not as hearsay. Volume **II,** section **900.**

Evidence of the unsworn declarations of voters as to their intimidation is hearsay and inadmissible. Volume **II,** section **943.**

Hearsay evidence rejected in an inquiry as to whether votes were actually cast as the polls. Volume **I,** section **795.**

As to the extent to which hearsay testimony is admissible to prove that a person recorded as voting was not within the precinct on election day. Volume **II,** section **1130.**

In proving the vote aliunde the Elections Committee rejected hearsay testimony and conjecture and required the evidence of the voter or the marker. Volume **II,** section **1097.**

Where the ballot was secret testimony of an acquaintance as to voter's declaration before election was accepted as proof aliunde. Volume **II,** section **1131.**

Votes may be proven aliunde by evidence of third persons as to how the voters cast their ballots. Volume **II,** section **882.**

As to hearsay evidence of persons participating in a fraudulent registration. Volume **II,** section **1123.**

(168) Evidence.—Burden of Proof.

Affirmation of the rule that the burden of proof in contested-election cases rests with the contestant. Volume **VI,** section **189.**

When under the forms of law the sitting Member has been duly certified as elected, the legal presumption is that the returns are correct, and the burden of proof to the contrary rests upon the contestant. Volume **VI,** section **125.**

The burden of proving error or falsity of election returns rests upon the contestant. Volume **VI,** section **124.**

Denial of charges of irregularity or fraud places the burden of proof of such charges on the proponents. Volume **VI,** section **172.**

A contestant must sustain by evidence his claim that he was elected. Volume **II,** section **1083.**

Contestant was required to sustain charges against the correctness of the count by the ballots. Volume **II,** section **1008.**

A contestant must put in evidence the returns of the district as a basis for showing the effect of his charges. Volume **II,** section **1100.**

Where contestant's contention, even if substantiated, would not operate to change the return, the committee declined to order evidence. Volume **VI,** section **121.**

Contestant may not impeach the title of sitting Member by general averments of error, fraud, bribery, or coercion, but must specifically set forth in notice of contest the grounds upon which the contest is brought. Volume **VI,** section **102.**

A contestant is estopped from charging against he contestee irregularities which he himself practiced. Volume **VI,** section **127.**

ELECTIONS OF REPRESENTATIVES—Continued.

(168) Evidence.—Burden of Proof—Continued.

Contestant failing to comply with rules adopted by committee and ignoring inquiries propounded by the committee, was held not to have sustained charges made in notice of contest. Volume **VI,** section **103.**

Contestant's evidence being too indefinite to establish his case the House confirmed the title of sitting Member, although irregularities in the election were evident. Volume **I,** section **651.**

The evidence failing to sustain allegations of fraud and intimidation, the title of sitting Member to the seat was confirmed. Volume **VI,** section **135.**

No evidence having been adduced to sustain any allegations of contestant, the House confirmed the title of the sitting Member. Volume **VI,** sections **131, 161.**

In determining issues in a contested election all cases of doubt were resolved in favor of the incumbent, for the reason that he had received the certificate of election. Volume **VI,** section **172.**

It being determined that contestant has actually been entitled to the credentials, the burden of proof was shifted to the returned Member. Volume **II,** section **986.**

Opinion of the Elections Committee that prima facie right wrongfully conferred should not relieve returned Member of the burden of proof. Volume **II,** section **1036.**

Where a canvassing officer had without doubt wrongfully rejected a decisive return it was held that the burden of proof should be on the wrongfully returned Member. Volume **II,** section **883.**

Where contestant's case did not overcome returned Member's majority, the House did not consider the returned Member's counter charges. Volume **VII,** section **1084.**

Although glaring frauds and intimidation have existed, yet conceded fairness in a portion of the district and the legal presumption in favor of other portions have saved the seat to contestee. Volume **II,** section **1035.**

The contestant having conceded the election of the contestee, the House confirmed the title of the sitting Member. Volume **VI,** section **118.**

Where no proof was adduced to support in any substantial way the allegations made in the notice of contest, the committee recommended confirmation of the right of the sitting Member to his seat. Volume **VI,** section **187.**

Although widespread frauds are shown in a district, yet contestant must show that they affect enough votes to change the result. Volume **II,** section **1040.**

Where is appeared that even if contestant's contentions were conceded the contestee would still have a majority of the votes cast, the House confirmed the title of sitting Member. Volume **VI,** section **111.**

Where the examination so far as made showed fraud, but not sufficient to change the result, the House declined to presume fraud also as to other boxes which might change the result. Volume **II,** section **1035.**

Counsel for the contestant having conceded that a recount of the ballots was all that was relied on and that if a recount did not overcome the contestee's plurality the contest would be dismissed, the committee held it was not warranted on the pleading in recounting the ballots but permitted an amendment of pleading to justify recount. Volume **VI,** section **170.**

Failure to file a required certificate that an election officer took the oath is sufficient to throw the burden of proof on the party claiming the votes received by the officer. Volume **I,** section **782.**

As to the degree of testimony required to put the burden of proof on a Member whose status as a citizen was impeached. Volume **I,** section **427.**

The disqualification of certain voters being shown prima facie, the burden of proof was thrown on the party claiming the votes. Volume **I,** section **830.**

In a controversy as to votes objected to because the voter is an alien the party attacking the qualification may be required to prove a negative. Volume **I,** section **796.**

ELECTIONS OF REPRESENTATIVES—Continued.

(168) Evidence.—Burden of Proof—Continued.

When a voter's qualifications are objected to, the burden of proof is on the objecting party to show that the person voted for the computer and was disqualified. Volume **II,** section **885.**

Affidavits of nonregistered voters not being found in the depository specified by law; it was held that the burden of proof shifted to the party benefited by the votes. Volume **II** section **1041.**

Employment for the purpose of controlling a vote, such object being knowingly acquiesced in by the voter, throws on the party naturally profiting the onus of proving that the vote was not influenced. Volume **II** sections **917, 923.**

Where elections were viva voce the Elections Committee required contestant to prove the want of residence of such persons as he claimed voted illegally. Volume **II,** section **880.**

Where a voter's qualifications are objected to the burden of proof is on the objecting party to show that the person voted for the competitor and was disqualified. Volume **II,** section **885.**

It not being shown that the ballots had been tampered with and State law requiring their preservation, secondary evidence of the vote was not considered. Volume **II,** section **1065.**

Although extensive frauds and irregularities were shown, the failure to show that the official return was overcome caused the House to confirm contestee's title. Volume **II,** section **1101.**

There being no time to collect the evidence needed to determine the right to a seat, the House on a showing unfavorable to sitting Delegate declared the seat vacant. Volume **I,** section **773.**

Where a canvassing officer had without doubt wrongfully rejected a decisive return it was held that the burden of proof should be on the wrongfully returned Member. Volume **II,** section **883.**

An election officer being presumed to do his duty is presumed to have taken a required oath, and the burden of proving otherwise is on the objecting party. Volume **I,** section **782.** A vote received by election officers is prima facie good and the burden of proof should be on the party objecting thereto. Volume **I,** section **783.**

(169) Evidence.—Pertinency of.

The law relating to the pertinency of testimony in an election case. Volume **I,** section **701.** A question as to the making of a motion to suppress affidavits in the record of an election case. Volume **II,** section **1024.**

Incompetent testimony and long statements by counsel tending to present such evidence should not be included in the record of an election case. Volume **II,** section **1127.**

A party to an election case may object to testimony as it is completed, although he may have appeared and cross-examined. Volume **II,** section **936.**

Hearsay evidence is inadmissible in contested election cases. Volume **VI,** section **81.**

The House decided that in an election case introduced by a petition the petitioner should not give evidence of any fact not alleged in the petition. Volume **I,** section **679.**

In an election case the Senate considered so far as applicable testimony taken by its committee in a former Congress in a matter to which neither contestant was a party. Volume **I,** section **348.**

Admission by contestant that his evidence is of doubtful sufficiency is held to amount to waiver of the allegation. Volume **I,** section **588.**

While notice of contest should state specifically the points on which testimony is adduced, yet the committee sometimes waives the strict requirement of the rule. Volume **I,** section **579.**

Where the notice of contest does not claim sufficient to change the return, the House did not think it necessary to examine the testimony. Volume **II,** section **1071.**

ELECTIONS OF REPRESENTATIVES—Continued.

(169) Evidence.—Pertinency of—Continued.

Contestee having objected when certain evidence was taken that it was not covered by the notice, the Elections Committee sustained by the objection. Volume **II,** section **880.**

The committee considered an issue covered by testimony admitted without objection, although not specified in the pleadings. Volume **II,** section **850.**

Although there may be irregularities in pleadings and in taking testimony the committee sometimes examine an election case on the merits. Volume **I,** section **681.**

(170) Evidence.—The Officers Presiding at the Taking of.

As to authority of a mayor to administer oaths in taking testimony under the law of 1851. Volume **II,** section **857.**

Testimony taken before justices of the peace was admitted, although the sitting Delegate had protected that they were not legally authorized and had declined to attend. Volume **II,** section **852.**

Where a minor may not hold an office, may such minor as a notary take testimony in an election case? Volume **II,** section **1049.**

A question as to the validity in an election case of testimony taken before a notary public outside the county in which he was empowered to act. Volume **I,** section **720.**

A notary taking testimony in an election case under the Federal law has jurisdiction within the district, although State law may restrict his functions to a county. Volume **II,** section **1064.**

Testimony taken before a notary public, in disregard of the provisions of law, was criticized by the Elections Committee, but given weight. Volume **I,** section **326.**

Testimony in an election case being taken before a person who had ceased to be a notary, but none of the parties or witnesses being aware of this until nearly all the evidence was in, the House considered it. Volume **II,** section **1086.**

An officer legally designated to take testimony in a contested election case performs such duty as the representative of the Congress. Volume **VI,** section **186.**

Instance wherein the House dismissed an election case because the testimony was taken before an officer not specified by law. Volume **I,** section **719.**

Testimony taken before an officer other than the one named in the notice was rejected by the committee. Volume **I,** section **831.**

The House in an election case received testimony taken before an informal commission, the individuals of which were competent, and due notice being given. Volume **I,** section **780.**

The officer presiding at the taking of testimony in an election case has the power to require the production of papers. Volume **I,** section **703.**

The ballots are among the papers of which the officer taking testimony in an election case may demand the production. Volume **II,** section **1044.**

May a notary, acting under the authority of law of 1851, require the production of ballots against the injunction of the State court? Volume **II,** section **1070.**

(171) Evidence.—Irregularly Taken.

Although service of notice of taking testimony may be irregular, if the party yet is informed and appears and cross-examines, the House may consider the evidence. Volume **II,** section **1057.**

Testimony taken without the notice required by the law of 1851 was excluded. Volume **II,** section **860.**

A notice as to taking testimony having been delayed in a delivery, so that one of the parties could no attend, the committee ordered the testimony taken anew. Volume **I,** section **824.**

The House received but prevented the use of testimony taken in an election case in disregard of the law. Volume **I,** section **716.**

ELECTIONS OF REPRESENTATIVES—Continued.

(171) Evidence.—Irregularly Taken—Continued.

Both parties having proceeded under misapprehension of the law, the evidence was admitted. Volume **II,** section **920.**

A joint committee having taken testimony which incidentally related to the right of a Member to his seat, the same was reported to the House. Volume **I,** section **607.**

In a report sustained by the House the Elections Committee declined to reject testimony not taken according to the practice established by State laws. Volume **I,** section **770.**

The House declined to receive a deposition taken in violation of the law of 1851, although bearing vitally on the turning point of the contest. Volume **II,** section **852.**

Discussion as to informalities in the preparation of depositions in an election case. Volume **I,** section **736.**

The name of a witness who swore to his own vote not being mentioned in the notice to take depositions as required by law, the vote was rejected. Volume **I,** section **557.**

The House declined to assist sundry petitioners in a district to collect testimony in proof that the seat of a returned Member should be declared vacant. Volume **I,** section **763.**

Contestant having prevented the evidence by which contestee sought to answer contestant's charges the House declined to permit contestant to profit thereby. Volume **II,** section **940.**

(172) Evidence.—Taking of.—Time Allowed by Law.

Participating in a subsequent agreement as to evidence, the contestee was held to have waived his objections to the sufficiency of notice. Volume **II,** section **942.**

The revocation of credentials having reversed the position of the parties, the House by resolution authorized investigation without regard to notice. Volume **I,** section **687.**

(173) Evidence.—Taking of.—Procedure of the Parties.

A contestant having failed through a series of adverse incidents to produce testimony, the House on account of the lateness of the session gave him leave to withdraw and confirmed the title of sitting Member. Volume **I,** section **752.**

Discussion as to the admissibility of testimony taken when one of the parties considered himself unable to attend. Volume **I,** section **785.**

A question as to whether the duties of sitting Member to the House excused him for neglecting to attend on taking of testimony in an election case. Volume **I,** section **785.**

A contestant having procured no testimony in support of his petition the Elections Committee recommended his withdrawal. Volume **I,** section **749.**

An election contest does not necessarily abate by reason of the death of contestant during the taking of testimony. Volume **I,** section **738.**

(174) Evidence.—Taken After the Legal Time.

Testimony taken after the time allowed by law was rejected. Volume **II,** section **905.**

Testimony taken after the expiration of the legal time, and objected to at the time, was not admitted. Volume **II,** section **900.**

Testimony taken after the legal time, objections to which were part of the record, was rejected. Volume **II,** section **936.**

The limit on the time of taking testimony in an election case applies to witnesses and not to a certified copy of the returns. Volume **I,** section **839.**

Instance wherein the returned Member presented evidence taken after the time prescribed by law and asked the House to consider it. Volume **I,** section **716.**

Testimony of contestant being taken after the legal time and against contestee's protest the committee reported that it should not be considered and that sitting Member's title should be confirmed. Volume **I,** section **730.**

Contestant's testimony being delayed by dilatory action and intimidation, the House considered a portion taken after the legal limit. Volume **II,** section **977.**

Rule prescribed by the House for serving notice and taking testimony in a delayed election case. Volume **I,** section **686.**

ELECTIONS OF REPRESENTATIVES—Continued.

(174) Evidence.—Taken After the Legal Time—Continued.

Testimony being taken after the legal time against returned Member's protest, but under color of a disputed oral agreement of counsel, the House declined to dismiss the contest. Volume **II,** section **1003.**

Where contestant had taken testimony irregularly, the House gave returned Member additional time to cross-examine witnesses who had already testified and to take rebuttal evidence. Volume **II,** section **1003.**

Evidence taken after the Committee on elections had reported was not formally considered by the House in deciding the contest. Volume **I,** section **786.**

A contestant having failed to take or file testimony within the time required by law, the House without further examination confirmed returned Member's title. Volume **VI,** section **162.**

Acts of Congress relating to the conduct of contested election cases are directory and not mandatory, and delay of contestant in forwarding testimony to the House within the time specified by law does not vitiate the proceedings. Volume **VI,** section **126.**

While constitutional provisions exempt the House from the operation of the law relating to the taking of testimony in election cases, such law is binding upon the parties thereto. Volume **VI,** section **164.**

(175) Evidence.—Taken by Authority of House Alone.

The House by resolution sometimes fixes the time of taking testimony, specifies the kind of testimony to be taken, and the places where it may be taken. Volume **I,** section **602.**

The House by resolution may delegate the appointment of a commissioner to take testimony in an election case, and may prescribe the course of procedure of said commissioner. Volume **I,** section **598.**

Instance wherein witnesses in a contested-election case were to be summoned by subpoenas issued by the Speaker. Volume **I,** section **598.**

Instance wherein testimony in an election case was, in the absence of law or rule, taken by direction of the committee. Volume **I,** section **793.**

The evidence in an election case conducted according to law being insufficient, the House authorized its committee to take additional testimony. Volume **I,** section **711.**

Instance wherein the House authorized the Elections Committee to send for persons and papers in an election case already made up. Volume **I,** section **731.**

The House in a case wherein the terms of the law would prevent taking testimony in an election case in time for decision, provided a method by resolution. Volume **I,** section **713.**

Instance wherein the Elections Committee, on the strength of a memorial from contestant and general knowledge, recommended taking testimony more expeditiously than provided by law. Volume **I,** section **714.**

The House has issued a subpoena duces tecum in order to procure election returns to be used in determining election cases. Volume **I,** section **710.**

Instance wherein the House directed the issue of a subpoena duces tecum to procure the ballots for examination in an election case. Volume **I,** section **731.**

Form of resolution by which the House ordered the production of ballots as evidence in an election case. Volume **II,** section **1070.**

Form of resolution authorizing the Elections Committee to procure ballots and other evidence. Volume **I,** section **731.**

Form of resolution returning to State authorities ballots that had been examined in an election case. Volume **I,** section **733.**

The House may give to its Elections Committee discretion to regulate the serving of notice and taking of testimony in an election case. Volume **I,** section **599.**

The House declined to assist sundry petitioners in a district to collect testimony in proof that the seat of a returned Member should be declared vacant. Volume **I,** section **763.**

ELECTIONS OF REPRESENTATIVES—Continued

(175) Evidence.—Taken by Authority of House Alone—Continued.

Discussion as to the extent to which the House is bound by the technical law as to taking evidence in an election case. Volume **II,** section **1122.**

The House may by resolution modify the legal requirements for taking testimony in an election case. Volume **I,** section **449.**

The House by resolution may modify the law as to the times and places of taking testimony in contested election cases. Volume **I,** section **600.**

Rule prescribed by the House for serving notice and taking testimony in a delayed election case. Volume **I,** section **686.**

The House authorized its committee to take testimony in a case wherein the qualifications of a Member were impeached. Volume **I,** section **427.**

The House authorized an investigating committee to take testimony in a district where in the contestant had been assassinated. Volume **II,** section **1018.**

A notice as to taking testimony having been delayed in delivery as that one of the parties could not attend, the committee ordered the testimony taken anew. Volume **I,** section **824.**

The parties complaining of an undue election failing to present evidence, the House did not pursue the inquiry. Volume **I,** section **808.**

The House declined the petition of certain electors in a district asking leave to take testimony in an election case. Volume **I,** section **683.**

Instance wherein by agreement of parties evidence in an election case was taken under a State law. Volume **I,** section **810.**

Form of resolution used in 1833 to authorize the institution of a contest. Volume **I,** section **53.**

Form of resolution providing for serving notice and taking testimony in an election case conducted in disregard of the terms of the law. Volume **I,** section **598.**

Form of resolution authorizing notice of contest and taking of testimony in case of a claimant whose opponent had been eliminated by reason of disqualifications. Volume **I,** section **621.**

(176) Evidence.—Early Practice in Taking.

There being no law of Congress to regulate election contests, proceedings taken according to State law were approved. Volume **I,** section **812.**

In 1791 the House, by resolution, adopted a method of taking evidence in contested-election cases. Volume **I,** section **708.**

In earlier times the taking of testimony in an election case was governed by a resolution of the House. Volume **I,** section **815.**

Form of resolution by which the House, in 1848, provided for taking testimony in an election case. Volume **I,** section **814.**

Before the enactment of a law the Elections Committee, having power to compel testimony, delegated the duty of taking depositions. Volume **I,** section **803.**

Instance of the methods of taking testimony in election cases before the enactment of the law. Volume **I,** section **780.**

In the first election case the Committee on Elections were directed to take proofs, but not to present any opinion thereon. Volume **I,** section **420.**

Illustration of a rule prescribed by the House for taking testimony in an election case before the enactment of a law prescribing a method. Volume **I,** section **718.**

The right of contested to cross-examine and present testimony was conceded in the first election case. Volume **I,** section **717.**

Under the old practice of the House, testimony in election cases were taken according to State law. Volume **I,** section **785.**

In 1858 a proposition that witnesses in an election case be examined at the bar of the House found no favor. Volume **I,** section **833.**

ELECTIONS OF REPRESENTATIVES—Continued.

(176) Evidence.—Early Practice in Taking—Continued.

In 1791 the House admitted the contestant and his counsel to the bar to produce testimony in an election case. Volume **I,** section **709.**

(177) Evidence.—Taking of.—Production of Ballots.

Instance wherein the Elections Committee declined to order the production of ballots and decided the case as made up under the general law. Volume **I,** section **732.**

(178) Evidence.—Taking of—Irregularites in General.

Where contestant offered evidence not specified in notice of contest and the answer was not served within the legal time the House still considered all the evidence. Volume **II,** section **1052.**

The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statute, the committee did not examine the case. Volume **II,** section **901.**

Although there may be irregularities in pleadings and in taking testimony, the committee sometimes examines an election case on the merits. Volume **I,** section **681.**

A party to an election case may object to testimony as it is completed, although he may have appeared and cross-examined. Volume **II,** section **936.**

The friends of returned Member having prevented taking of testimony for contestant, the House did not require strict and technical proof of a vote aliunde. Volume **II,** section **1023.**

(179) Evidence.—Application for Extension of Time for Taking.

A contestant desiring additional time for taking testimony presents his application by memorial. Volume **II,** section **956.**

As to what contestant must show to cause the House to open an election case for further testimony. Volume **II,** section **1006.**

When contestee submits an affidavit to justify his request that his election case be reopened, the affidavit must be definite and specific. Volume **II,** section **1062.**

An application for extension of time to take testimony in an election case should be accompanied by an affidavit specifying as to the testimony. Volume **I,** section **725.**

Instance wherein a returned Member presented as a question of privilege a proposition to reopen his election case for further testimony. Volume **II,** section **1062.**

In asking for extension of time to take testimony in an election case affidavits should state facts showing that with proper diligence it has been impossible to take the testimony. Volume **I,** section **602.**

Affdavits filed with a request for time to take additional testimony in an election case must state and names of the witnesses and the particular facts to be proven by them. Volume **I,** section **602.**

A contestant having by affidavit given his reasons for asking further time to take testimony, the Elections Committee framed a resolution allowing the time. Volume **I,** section **752.**

Parties should be held to rigid rule of diligence under the law for taking testimony in election cases, and no extension of time should be granted where this rule is violated. Volume **I,** section **606.**

A contestant having failed to show reasonable diligence, the request for time to take further testimony was denied. Volume **VI,** section **112.**

Instance wherein the application of contestant for additional time in which to take testimony was refused. Volume **VI,** section **112.**

The contestant having failed to exercise due diligence in securing evidence within the time allotted, the committee overruled his application that the case be reopened to permit him to adduce further testimony. Volume **VI,** section **169.**

The sitting Member should be allowed additional time to take testimony only when the clearest evidence and strongest reasons justify the concession. Volume **I,** section **602.**

ELECTIONS OF REPRESENTATIVES—Continued.

(179) Evidence.—Application for Extension of Time for Taking—Continued.

The House, overruling its committee, concluded to decide an election case as made up without giving sitting Member time for further investigation. Volume **I,** section **767.**

The appeal of a contestant for extension of time to take testimony should show that all diligence has already been used in the quest. Volume **I,** section **725.**

To procure an extension of time for taking testimony a contestant should show that the testimony is newly discovered. Volume **I,** section **722.**

A contestant may not be granted more time to take testimony on the mere declaration, without proof, that he has been impeded by violence from procuring evidence. Volume **I,** section **722.**

Without very strong reasons showing the necessity, the Elections Committee does not extend the time of taking testimony. Volume **I,** section **785.**

Although the contestant delayed the filing of testimony and briefs beyond the statutory time, the House, in view of the seriousness of the charges, consented to hear the case. Volume **VI,** section **111.**

A resolution granting further time for taking testimony in an election case was admitted as privileged. Volume **II,** section **956.**

Review of the precedents governing the granting of extension of time to the parties to collect evidence in an election case. Volume **I,** section **725.**

Procedure to be followed where parties require time beyond that provided by law. Volume **VI,** section **164.**

While the statute limiting the time for taking testimony in a contested-election case has been held to be directory and is not binding on the House, if further time is required it must be granted by the House and will be granted only upon the showing of good and sufficient reason therefor. Volume **VI,** section **115.**

While the House may for cause extend the statutory time within which testimony may be taken, such extension will be made for good and sufficient reasons only. Volume **VI,** section **116.**

Acts of Congress relating to the conduct of contested election cases are directory and not mandatory, and delay of contestant in forwarding testimony to the House within the time specified by law does not vitiate the proceedings. Volume **VI,** section **126.**

(180) Evidence.—Extension of Time for Taking, Granted.

Instance wherein the House extended the time of taking testimony in an election case. Volume **II,** sections **869, 1095.** Volume **VI,** section **113.**

Instance wherein in the time of taking testimony in an election case was twice extended. Volume **II,** section **890.**

Instance wherein leave was given to take further testimony and produce additional evidence after briefs had been filed and arguments heard. Volume **VI,** section **134.**

Sitting Member consenting to contestant's application for further time to take testimony, the House agreed thereto. Volume **II,** section **864.**

Instance wherein the House permitted the time for taking testimony in an election case to be lengthened, although one or both parties had been negligent. Volume **I,** section **834.**

In 1865, in a case wherein sitting Member had, by reason of absence on military duty, failed to receive notice of contest, the House gave further time for taking testimony. Volume **II,** section **855.**

In a case where sitting Member's counsel had surreptitiously suppressed his evidence the taking of further testimony was permitted. Volume **I,** section **505.**

A constant having by affidavit given his reasons for asking further time to take testimony, the Elections Committee framed a resolution allowing the time. Volume **I,** section **752.**

In a case wherein an unofficial and ex parte recount was relied on, because the ballots themselves could be reached officially, only by the House itself, the House reopened the case for examination of the ballots. Volume **II,** section **1070.**

ELECTIONS OF REPRESENTATIVES—Continued.

(180) Evidence.—Extension of Time for Taking, Granted—Continued.

The evidence in an election case conducted according to law being insufficient, the House authorized its committee to take additional testimony. Volume **I,** section **711.**

Where the taking of testimony was suspended by contestant's death, the House itself took additional testimony, but considered the original case continued. Volume **II,** section **1018.**

Where contestant had taken testimony irregularly, the House gave returned Member additional time to cross-examine witnesses who had already testified, and to take rebuttal evidence. Volume **II,** section **1003.**

Instance wherein an extension of time was granted for taking rebutting evidence in an election case. Volume **I,** section **727.**

(181) Evidence.—Form of Resolution Extending Time of Taking.

Form of resolution extending the time for taking testimony in an election case. Volume **II,** section **875, 1095.** Volume **VI,** section **113.**

Form of resolution providing for taking additional testimony in a case wherein contestant alleged that with due diligence he could not complete the evidence within the legal time. Volume **II,** section **956.**

(182) Evidence.—Extension of Time of Taking, Refused.

No sufficient reasons being shown, the House declined to reopen an election case for the taking of further testimony. Volume **I,** section **724.**

The returned Member was denied an extension of time to take testimony, although he pleaded that he had been detained by his duties in the House. Volume **I,** section **726.**

The sitting Member having clearly neglected his opportunities, the Elections Committee decided against his request for additional time to take evidence. Volume **I,** section **837.**

Instance of refusal of sitting Member's request for further time to take testimony. Volume **II,** section **898.**

The House overruling its committee, concluded to decide an election case as made up, without giving sitting Member time for further investigation. Volume **I,** section **767.**

The Elections Committee declined to recommend the reopening of a case for further testimony on facts not set forth in the notice or substantiated by testimony. Volume **II,** section **1063.**

A contestant having failed to show reasonable diligence, his request for time to take further testimony was denied. Volume **II,** section **1100.** Volume **VI,** section **112.**

A contestant having neglected to take the strictly legal means provided for taking testimony, the House denied his application for new authority to compel testimony. Volume **I,** section **712.**

Contestant not having used due diligence in taking testimony, the House declined to extend the time therefor. Volume **II,** section **1006.**

A contestant having neglected to appear during the taking of testimony, the House declined to grant an extension of opportunity. Volume **I,** section **728.**

The House declined to reopen an election case to enable returned Member to prove his vote aliunde at several precincts whereof the returns had been rejected. Volume **II,** section **1019.**

The contestant having failed to exercise due diligence in securing evidence within the time allotted, the committee overruled his application that the case be reopened to permit him to adduce further testimony. Volume **VI,** section **169.**

Specification of particulars wherein a petition for extension of time for taking testimony was deficient. Volume **VI,** section **112.**

Instance wherein the application of contestant for additional time in which to take testimony was refused. Volume **VI,** section **112.**

ELECTIONS OF REPRESENTATIVES—Continued.

(183) Evidence.—Taking, in Rebuttal.

Discussion as to what is valid testimony in rebuttal. Volume **II,** section **1113.**

Discussion as to certain testimony alleged not to be strictly in rebuttal. Volume **II,** section **977.**

Criticism of evidence introduced in rebuttal. Volume **II,** section **579.**

In an election case the House disregards evidence in chief introduced during time for rebuttal testimony. Volume **II,** section **1012.**

Direct testimony taken in time of rebuttal and objected to at the time was not considered by the House. Volume **II,** section **1029.**

Evidence in chief taken in time of rebuttal evidence is not considered in an election case. Volume **II,** section **1116.**

A question as to the introduction during an election case of evidence in chief during time of rebuttal. Volume **I,** and section **720.**

Original testimony, taken on notices stating that witnesses were to be examined in rebuttal, was rejected. Volume **II,** section **905.**

Instance wherein an extension of time was granted for taking rebutting evidence in an election case. Volume **I,** section **727.**

A certified copy of a public record was admitted in an election case, although presented in the time for taking rebuttal testimony. Volume **II,** section **1122.**

Where contestant had taken testimony irregularly the House gave returned Member additional time to cross-examine witnesses who had already testified and to take rebuttal evidence. Volume **II,** section **1003.**

(184) Evidence.—House reluctant to reopen case for further.

As to what contestant must show to cause the House to reopen an election case for further testimony. Volume **II,** section **1006.**

The Elections Committee declined to recommend the reopening of a case for further testimony on facts not set forth in the notice or substantiated by testimony. Volume **II,** section **1063.**

When contestee submits an affidavit to justify his request that his election case be reopened the affidavit must be definite and specific. Volume **II,** section **1062.**

No sufficient reasons being shown, the House declined to reopen an election case for the taking of further testimony. Volume **I,** section **724.**

The Elections Committee declined in 1882 to reopen a case to enable a contestant to correct his procedure. Volume **I,** section **725.**

The House overruling its committee, concluded to decide an election case as made up without giving sitting Member time for further investigation. Volume **I,** section **767.**

Instance wherein the Elections Committee declined to order the production of ballots and decided the case as made up under the general law. Volume **I,** section **732.**

In a case wherein an unofficial and ex parte recount was relied on, because the ballots themselves could be reached officially only by the House itself, the House reopened the case for examination of the ballots. Volume **II,** section **1070.**

Instance wherein a returned Member presented as a question of privilege a proposition to reopen his election case for further testimony. Volume **II,** section **1062.**

A former decision by the Senate on a contested election does not preclude reopening the case if additional evidence is discovered. Volume **VI,** section **107.**

(185) Evidence.—Integrity of, Questioned.

Testimony in an election case being impeached by ex parte affidavits, the House gave the Elections Committee authority to send for persons and papers in order to investigate as to the integrity of the record. Volume **I,** section **715.**

(186) Evidence.—Objections to, and Motions to Suppress.

A party to an election case may object to testimony as it is completed, although he may have appeared and cross-examined. Volume **II,** section **936.**

ELECTIONS OF REPRESENTATIVES—Continued.

(186) Evidence.—Objections to, and Motions to Suppress.—Continued

Motions to suppress testimony in an election case already printed under the law were disregarded by the Elections Committee. Volume **I,** section **425.**

A question as to the making of a motion to suppress affidavits in the record of an election case. Volume **II,** section **1024.**

(187) Evidence.—Transmittal to the House, Printing, etc.

The law for the transcribing the attestation of testimony in an election case. Volume **I,** section **702.**

Form of motion to strike depositions from the record. Volume **VI,** section **162.**

A petition unsworn to and not offered as an exhibit to a deposition should not be included in the record of an election case. Volume **VI,** section **142.**

The law prescribing the method of forwarding to the Clerk of the House the testimony in an election case. Volume **I,** section **705.**

The law governing the method of transmitting the testimony in an election case to the Clerk of the House was held to be directory merely. Volume **I,** section **736.**

The law requires the testimony taken in an election case to be transmitted to the Clerk of the House by the officer before when it was taken. Volume **I,** section **703.**

Law governing the duty of the Clerk of the House as to the printing of testimony in an election case. Volume **I,** section **705.**

A copy of the notice of contest and the answer in an election case are sent to the Clerk of the House with the testimony. Volume **I,** section **704.**

The notice to take depositions and a copy of the subpoena are attached to the depositions in an election case. Volume **I,** section **704.**

Testimony in an election case under the earlier practice was sent to the Speaker and referred by the House. Volume **I,** section **815.**

The earlier regulations for taking testimony in an election case provided that the depositions should be forwarded to the Speaker. Volume **I,** section **814.**

Before the enactment of the law the Elections Committee directed testimony to be sealed and transmitted to its chairman. Volume **I,** section **803.**

In the "Broad Seal case" the Elections Committee delegated the arrangement of testimony to the parties. Volume **I,** section **795.**

The House declined to allow the testimony in an election case to be withdrawn from its files. Volume **V,** section **7262.**

Acts of Congress relating to the conduct of contested election cases are directory and not mandatory, and delay of contestant in forwarding testimony to the House within the time specified by law does not vitiate the proceedings. Volume **VI,** section **126.**

(188) Evidence.—Ex Parte not Generally Admitted.

Ex parte affidavits are not considered in an election case, although they would be decisive if admitted. Volume **II,** section **1039.** Volume **II,** section **1057.**

Testimony taken ex parte is properly excluded in a contested election case. Volume **VI,** section **117.**

The Committee on Elections rejects testimony taken ex parte. Volume **I,** section **321.**

Ex parte and hearsay testimony is rejected by the Election Committee. Volume **II,** section **1125.**

Unsworn statements and ex parte affidavits are not admissible as evidence and will not be considered by the Committee on Elections in the adjudication of an election case. Volume **VI,** section **147.**

Ex parte evidence is not admissible in a contested-election case even where death of Member-elect prevents service of notice that testimony is to be taken. Volume **VI,** section **113.**

The Elections Committee declined to consider ex parte evidence in determining prima facie right. Volume **I,** section **794.**

ELECTIONS OF REPRESENTATIVES—Continued.

(188) Evidence.—Ex Parte not Generally Admitted—Continued.

The Elections Committee in 1805 declined to examine a contention sought to be established by ex parte testimony. Volume **I,** section **637.**

Testimony having been taken ex parte, the Elections Committee concluded that it should not have weight and reported that sitting Member should not be disturbed therefor. Volume **I,** section **729.**

A notice as to taking testimony having been delayed in delivery, so that one of the parties could not attend, the committee ordered the testimony taken anew. Volume **I,** section **824.**

Ex parte affidavits were not admitted to impeach the legal record of canvassing officers in determining prima facie title. Volume **II,** section **927.**

Ex parte affidavits were not admitted, even to prove lost testimony valid in form. Volume **II,** section **930.**

An ex parte deposition tending to show that certain election officers had been sworn was not admitted. Volume **I,** section **843.**

In an election case testimony taken ex parte in another case involving only a portion of the district was not admitted. Volume **I,** section **685.**

Evidence taken ex parte is not considered when given by electors as to their votes. Volume **II,** section **872.**

The House, by reason of the ex parte nature of the evidence, declined to follow its committee in rejecting the poll where the conduct of election officers was irregular and apparently fraudulent. Volume **I,** section **834.**

An affidavit intended to explain a clerical error in returns was given little weight by the Elections Committee because of its ex parte character. Volume **I,** section **45.**

An affidavit taken without notice to opposing candidate and before the result had been determined was rejected as evidence. Volume **I,** section **618.**

Notices of taking testimony in an election case having specified such times and places as to make it impossible for the returned Member to attend, the Elections Committee held the testimony taken to be ex parte. Volume **I,** section **729.**

(189) Evidence.—Ex Parte Sometimes Admitted.

An instance of the admission of ex parte testimony in an election case. Volume **I,** section **422.**

The House, in an exceptional election case, admitted ex parte affidavits taken outside the district and State. Volume **II,** section **1024.**

Ex parte proof, while not admitted as competent proof of the facts therein recited, was given weight as raising a suspicion of frauds justifying an investigation. Volume **I,** section **625.**

Instance wherein ex parte affidavits were received as to a secondary question arising in an election case. Volume **I,** section **736.**

Contestant having presented ex parte affidavits in support of his motion for further time to take testimony, returned Member was permitted to rebut with ex parte affidavits also. Volume **II,** section **1006.**

One of the parties to an election case having failed to attend the taking of testimony after notification, the House considered the testimony, although ex parte. Volume **I,** section **646.**

The House has authorized a contestant to take ex parte evidence in case an indifferent opponent should neglect to answer notice of contest. Volume **I,** section **624.**

A certificate of a State officer with belated returns from election inspectors (whose authority to make such returns was doubtful) was admitted although procured ex parte. Volume **I,** section **812.**

Affidavits of persons who did not appear at cross-examination because of failure of returned Member to pay witness fees, were not rejected as ex parte. Volume **II,** section **1004.**

ELECTIONS OF REPRESENTATIVES—Continued.

(189) Evidence.—Ex Parte Sometimes Admitted—Continued.

Discussion as to the admissibility of testimony taken when one of the parties considered himself unable to attend. Volume **I,** section **785.**

A committee lacking the power of subpoena permitted the petitioner to present evidence ex parte in the form of affidavits. Volume **VI,** section **77.**

A question as to whether the duties of sitting Member to the House excuse him for neglecting to attend on taking of testimony in an election case. Volume **I,** section **785.**

The House authorized an investigating committee to take testimony in a district wherein the contestant had been assassinated. Volume **II,** section **1018.**

(190) Evidence.—As to Strictness of the Rules of.

The ordinary rules of evidence govern in election contests as in other cases. Volume **VI,** section **77**

The contestant in an election case must confine his proof to the allegations of his notice. Volume **I,** section **640.**

Testimony taken in contravention of law can not legally be considered by the House. Volume **VI,** section **116.**

The common-law rules of evidence which govern in the courts of law obtain in the trial of election cases in the House. Volume **II,** section **1046.**

Hearsay evidence is rejected in considering an election contest. Volume **I,** section **804, 860.** Volume **VI,** section **81.**

In extraordinary cases, and where it appears that in no other way can the will of the voter be ascertained, resort to methods not technically legal may be justifiable. Volume **II,** section **1031.**

Discussion as to the extent to which the House is bound by the technical law as to taking evidence in an election case. Volume **II,** section **1122.**

The question raised as to the right of the House to determine the rule as to evidence it will receive, even though State law and decisions are alleged to prescribe a rule. Volume **II,** section **1121.**

Neither the House nor the Elections Committee is bound by the technical rules of the courts as to the admission of evidence. Volume **II,** section **960.**

Argument that an election case is a public inquiry, which should proceed on more liberal principles than a private litigation. Volume **I,** section **836.**

The House has declared that an election committee should act as a judicial body, according to the rules of law. Volume **I,** section **635.**

As to the application of technical rules of evidence in an election case, which is a public inquiry. Volume **II,** section **885.**

Discussion of an election case as a public inquiry admitting a liberal rule of evidence. Volume **II,** section **988.**

Does the fact that an election case is instituted by a memorial instead of on pleading under the law justify a different rule of evidence? Volume **II,** section **988.**

Instance wherein the elections Committee waived the strict rules of law in receiving testimony. Volume **I,** section **780.**

The friends of returned Member having prevented taking of testimony for contestant the House did not require strict and technical proof in proving a vote aliunde. Volume **II,** section **1023.**

Evidence of the unsworn declarations of voters as to their intimidation is hearsay and inadmissible. Volume **II,** section **943.**

As to the extent to which hearsay testimony is admissible to prove that a person recorded as voting was not within the precinct on election day. Volume **II,** section **1130.**

Discussion of the English and American rules of evidence as applied to the declarations of the voter. Volume **II,** section **885**

An instance wherein an Elections Committee held certain testimony, which was not legal in form, as an offer of proof. Volume **I,** section **525.**

ELECTIONS OF REPRESENTATIVES—Continued.

(190) Evidence.—As to Strictness of the Rules of—Continued.

Hearsay evidence rejected in an inquiry as to whether votes were actually cast at the polls. Volume **I,** Section **795.**

As to hearsay evidence of persons participating in a fraudulent registration. Volume **II,** Section **1123.**

Incompetent testimony and long statements by counsel tending to present such evidence should not be included in the record of an election case. Volume **II,** Section **1127.**

It not being shown that the ballots had been tampered with and State law requiring their preservation, secondary evidence of the vote was not considered. Volume **II,** Section **1065.**

Official copies of registration lists, such copies made in pursuance of law, were admitted as evidence of the registration by a divided committee. Volume **II,** Section **1128.**

(191) Evidence.—Sufficiency of Proof.

Admission by contestant that his evidence is of doubtful sufficiency is held to amount to waiver of the allegation. Volume **I,** Section **588.**

Contestant's evidence being too indefinite to establish his case, the House confirmed the title of sitting Member, although irregularities in the election were evident. Volume **I,** Section **651.**

Contestant was required to sustain charges against the correctness of the count by the ballots. Volume **II,** Section **1008.**

A contestant giving no notice of contest as required by law and taking no testimony, the House, without further examination, confirmed returned Member's title. Volume **II,** Section **1073.**

A clear preponderance of competent evidence is required to overthrow the prima facie legality of a ballot received by the election officers. Volume **I,** Section **585.**

The ballots are higher and better evidence of the result than the poll lists. Volume **II,** Section **1008.**

As to the extrinsic evidence which sustains the sufficiency of the designation of the office on a ballot. Volume **II,** Section **951.**

Returns having been lost or destroyed, testimony of election officers being conflicting, and the voters not having been called, the vote was not counted. Volume **II,** Section **914.**

Instance where in absence of certificate that election officers were sworn was deemed conclusive in absence of testimony to the contrary. Volume **I,** Section **831.**

Notices of election having failed to reach two towns in a district and no votes being cast in those towns, the House declined to affirm sitting Member's title without direct evidence as to the numbers of voters in the towns. Volume **I,** Section **761.**

Reference to a discussion of the return of United States supervisors as evidence of the vote cast. Volume **II,** Section **960.**

Where poll lists were not preserved as a record parol proof was resorted to for showing that the vote was actually cast. Volume **I,** Section **795.**

The registration and poll books are the primary evidence of registration and fact of voting and when in existence should be produced. Volume **II,** Section **1048.**

Discussion as to the validity of the testimony of canvassers who have failed to find persons suspected of illegal registration. Volume **II,** Section **1052.**

Agents of contestee having intimidated contestant's witnesses, the House did not require the best evidence for proof aliunde of the vote. Volume **II,** Section **1024.**

The House declined to declare a seat vacant in a case wherein unsatisfactory proof of contestant's election was reinforced by bad conduct of election officers favorable to contestee. Volume **II,** Section **875.**

Two companies of soldiers having voted together where the law required a separate poll for each, the vote was counted on testimony showing honesty and fairness in the proceedings, the law forbidding rejection for mere informalities. Volume **I,** section **557.**

Discussion as to what is valid testimony in rebuttal. Volume **II,** section **1113.**

ELECTIONS OF REPRESENTATIVES—Continued.

(192) Evidence.—Relevancy as related to the pleadings.

Where the notice of contest does not claim sufficient to change the return, the House does not think it necessary to examine the testimony. Volume **II,** section **1071.**

The name of a witness who swore to his own vote not being mentioned in the notice to take depositions, as required by law, the vote was rejected. Volume **I,** section **557.**

While notice of contest should state specifically the points on which testimony is adduced, yet the committee sometimes waives the strict requirement of the rule. Volume **I,** section **579.**

(193) Evidence.—Best Evidence Rule.

To reject votes cast by persons alleged not to have lived within the precinct, the best evidence regarding precinct lines should be produced. Volume **II,** section **989.**

The ballots are higher and better evidence of the result than the poll lists. Volume **II,** section **1008.**

In regard to convicts as voters, the record of conviction is the only evidence acceptable to the House unless the record has been destroyed. Volume **II,** section **963.**

On a question of residence qualification of voters, ward lines in cities should be shown by record evidence of boundaries. Volume **II,** section **1021.**

Before resort can be had to ballots as evidence, absolute proof must be made that they are the identical ballots cast at the election; that they have been kept as required by law; that there has been no opportunity to tamper with them; and that they are in the same condition as when cast. Volume **VI,** section **115.**

Official papers and lists of voters are the best and only evidence of their contents, and statements of witnesses assuming to detail contents of such papers are not admissible. Volume **VI,** section **115.**

The ballots themselves constitute the best evidence and the count of election officials should not be set aside by testimony of a witness who merely looked at the ballots and testified to the results. Volume **VI,** section **115.**

The registration and poll books are the primary evidence of registration and fact of voting, and when in existence should be produced. Volume **II,** Section **1048.**

Under the Australian ballot, where an officer marks the ballot for an illiterate voter, is the ballot higher evidence than the testimony of the voter? Volume **II,** section **1050.**

Where a State law does not provide for reinspection of ballots may they be examined under authority of the law for taking testimony in election cases? Volume **II,** section **1062.**

It not being shown that the ballots had been tampered with and State law requiring their preservation, secondary evidence of the vote was not considered. Volume **II,** Section **1065.**

Discussion as to what is the best evidence when objection is made to the action of county canvassers in rejecting precinct returns. Volume **II,** section **1057.**

(194) Evidence.—Official Certificates of Returns Admitted at Any Time.

The limit on the time of taking testimony in an election case applies to witnesses and not to a certified copy of the returns. Volume **I,** section **839.**

The official certificate of a State officer giving the returns may be introduced at any stage of the proof in an election case. Volume **I,** section **720.**

A contestant must put in evidence the returns of the district as a basis for showing the effect of his charges. Volume **II,** section **1100.**

A certificate of the returns, under seal of the State, was admitted as evidence in an election case without regard to the requirements of the law of 1851 as to testimony. Volume **I,** section **835.**

A certified copy of a public record was admitted in an election case, although presented in the time for taking rebuttal testimony. Volume **II,** section **1122.**

A certified copy of the official abstract of the vote is competent proof in an election case. Volume **I,** section **839.**

ELECTIONS OF REPRESENTATIVES—Continued.

(194) Evidence.—Official Certificates of Returns Admitted at Any Time.—Continued

Records of returns only authenticated by seal are received as evidence in election cases after the time for taking testimony is closed. Volume **I,** section **472.**

A contestant neglecting to prove the vote of the district the Elections Committee had recourse to such official records as it deemed satisfactory. Volume **I,** section **326.**

Contestant producing no legal evidence as to the return and nothing to show that such return might not have been produced, parol evidence as to the vote was not considered. Volume **II,** section **1013.**

A question as to whether certain copies of election papers certified to by public officers were actually evidence or not. Volume **I,** section **720.**

The House by resolution made certified transcripts of records evidence in an election case. Volume **I,** section **322.**

The House has issued a subpoena duces tecum in order to procure election returns to be used in determining election cases. Volume **I,** section **710.**

(195) Evidence.—Documents Embodying Testimony and Decisions on Related Questions.

In determining final right to a seat the House has considered as evidence testimony embodied in a Senate report of the preceding congress, relating generally to the election in question. Volume **I,** section **624.**

Instance wherein the House referred to an Election Committee considering a particular case a report of a joint committee incidentally referring to said case. Volume **I,** section **607.**

The Elections Committee declined to consider as evidence certain official documents of a State submitted without authority from the House and not decisions in a proceeding between the parties to the pending contest. Volume **I,** section **608.**

In an election case the decision of a State supreme court in a cause to which the contestants were not parties was not received as evidence. Volume **I,** section **608.**

The record of a trial in a State court as to a title to a State office is not competent evidence in an election case, although relating to the election in question. Volume **II,** section **913.**

The House declined to admit as evidence in an election case the decision of a State impeachment court on a related subject. Volume **I,** section **709.**

In an election case the Senate considered so far as applicable testimony taken by its committee, in a former Congress, in a matter to which neither contestant was a party. Volume **I,** section **348.**

In a Senate election case, by consent of the parties, testimony taken by Senate and House committees in proceedings to which neither contestant was a party, was admitted for what it was worth. Volume **I,** section **356.**

In determining an election case the Senate has taken notice of the journals of a State legislature. Volume **I,** section **353.**

Official papers and lists of voters are the best and only evidence of their contents, and statements of witnesses assuming to detail contents of such papers are not admissible. Volume **VI,** section **115.**

The law governing the filing of contestant's and contestee's briefs in an election case, and the printing thereof. Volume **I,** section **705.**

In 1791 the House declined to admit as evidence in an election case official State papers under seal. Volume **I,** section **709.**

(196) Evidence.—Historic and Judicial Knowledge in Lieu of.

In determining prima facie right, the House may take cognizance of public statutes, proclamations made by public officials under the law, and matters of history. Volume **I,** section **623.**

Instance wherein the House in an election case accepted its own historic knowledge in lieu of evidence. Volume **II,** section **924.**

A question as to whether or not the House, from historic knowledge merely, may decide that the result of an election has been invalidated by intimidation. Volume **I,** section **327.**

ELECTIONS OF REPRESENTATIVES—Continued.

(196) Evidence.—Historic and Judicial Knowledge in Lieu of—Continued.

Reference to historical facts in determining prima facie effect of regular credentials. Volume **I,** section **327.**

The House, going outside the allegations of the parties and ascertaining by historic knowledge disturbances causing 232 deaths, declared an election invalid. Volume **I,** section **329.**

A case in which the committee considered historic facts in judging validity of an election wherein appear many irregularities on the part of election officers. Volume **I,** section **328.**

In estimating harm done by fraud of officers, judicial cognizance was taken of the general prevalence of certain political sentiments. Volume **II,** section **1095.**

The Elections Committee knowing judicially that paupers could not, by reason of living in the country almshouse, have a residence in the precinct, and there being no proof that any did have a residence there, their votes were rejected. Volume **II,** section **1017.**

(197) Evidence.—Facts as to Race, Color, Previous Elections, etc., as Establishing Presumptions.

The color of the voter should be sustained by other conclusive evidence in order to establish a presumption as to how he voted. Volume **II,** section **1048.**

Instance wherein the color of the voters was taken into account as creating a presumption in relation to their votes. Volume **II,** sections **1065, 1074.**

Evidence showing that a county was divided politically on the color line, incompatibility between the returns and the census was admitted to impeach the election and the returns. Volume **II,** section **969.**

The returns of the regularly constituted authorities will not be disturbed by presumptions raised by a census of voters by races. Volume **II,** section **966.**

Instance wherein conditions of a district as to party and racial lines were considered in an election case. Volume **II,** section **1104.**

Instance wherein votes of previous elections and nature of population were cited to establish a presumption as to the political preferences of the district. Volume **II,** section **965.**

Instance wherein the general outlines and population of a district were considered as bearing on an election contest. Volume **II,** section **1034.**

Instance wherein the history of previous elections in a district and common knowledge as to its political condition was held to raise a presumption against the returns. Volume **II,** section **1030.**

Instance wherein the census and returns of previous elections were referred to as creating a presumption against a return. Volume **II,** section **984.**

Discussion of the validity of census tables as creating presumptions in a case involving a constituency divided politically on the color line. Volume **II,** section **973.**

Instance wherein the Elections Committee considered as a suspicious circumstance a variation from the vote of the preceding election. Volume **II,** section **1016.**

An election may not be impeached by comparison with the result of another election in the same constituency. Volume **I,** section **804.**

No illegal vote being shown, the polls were not rejected because of presumptions created by a census and arithmetical calculations. Volume **I,** section **804.**

A suspicious increase of votes as compared with the previous election was considered in an election case where fraud was alleged. Volume **I,** section **841.**

The reports of the census taken for a city directory, produced from the archives of the city and proven by the takers, were admitted as prima facie evidence as to qualifications of voters. Volume **I,** section **843.**

(198) Evidence.—As to Votes.—In Relation to the Qualifications of Voters.

Persons being denied the privilege of voting because of disqualification, their votes may not be counted by the House on general testimony as to their qualifications. Volume **II,** section **870.**

ELECTIONS OF REPRESENTATIVES—Continued.

(198) Evidence.—As to Votes.—In Relation to the Qualifications of Voters—Continued.

The reports of the census taken for a city directory, produced from the archives of the city, and proven by the takers were admitted as prima facie evidence as to qualifications of voters. Volume **I,** section **843.**

Voting being vivi voce, the testimony of the voter was admitted to prove his qualifications. Volume **I,** section **780.**

The Elections Committee knowing judicially that paupers could not, by reason of living in the county almshouse, have a residence in the precinct, and there being no proof that any did have a residence there, their votes were rejected. Volume **II,** section **1017.**

A vote being received as sound, the mere fact that the voter is alien born does not compel the party claiming it to prove naturalization. Volume **I,** section **796.**

The presence of names on a list of foreign citizens enrolled under authority of treaty was held prima facie evidence of disqualification for voting. Volume **I,** section **830.**

The court record of naturalization may not be questioned collaterally by evidence impeaching the facts on which the certificate was issued. Volume **I,** section **472.**

The record of a court of naturalization sufficiently establishes citizenship, even though it be alleged that the certificate of the fact has not been issued regularly. Volume **I,** section **472.**

Entries on a registration list made by an officer not authorized by law to note the qualifications of voters thereon are not evidence as to qualifications of persons registered. Volume **II,** section **867.**

When the registration list was not conclusive as to the right to vote the House admitted parol evidence as to voter's qualification. Volume **II,** section **1098.**

(199) Evidence.—To Prove the Result of Voting.

A declaration of result in open ward meeting, under a State law, was held prima facie evidence of the result, but controllable by evidence. Volume **II,** section **849.**

The ballots are higher and better evidence of the result than the poll lists. Volume **II,** section **1008.**

Discussion as to the status of the ballots as evidence when the honesty of the election officers is impeached. Volume **II,** section **1043.**

The committee having found the sitting Member duly elected, deemed it unnecessary to consider claims that he was entitled to additional votes. Volume **VI,** section **151.**

(200) Evidence.—To Prove the Fact of Voting.

The registration and poll books are the primary evidence of registration and fact of voting, and when in existence should be produced. Volume **II,** section **1048.**

As to proving the act of voting by the elector or by another as well as by the poll books. Volume **II,** section **1048.**

Where poll lists were not preserved as a record parol proof was resorted to for showing that the vote was actually cast. Volume **I,** section **795.**

Discussion as to the evidence required to show that persons alleged to be disqualified actually voted. Volume **II,** section **1052.**

As to the extent to which hearsay testimony is admissible to prove that a person recorded as voting was not within the precinct on election day. Volume **II,** section **1130.**

Hearsay evidence rejected in an inquiry as to whether votes were actually cast at the polls. Volume **I,** section **795.**

As to the extrinsic evidence which sustains the sufficiency of the designation of the office on a ballot. Volume **II,** section **951.**

(201) Evidence.—As to Intent of Voter.

The House may go behind the ballot to ascertain the intent of the voter, so as to explain what is ambiguous or doubtful. Volume **I,** sections **639, 641.**

ELECTIONS OF REPRESENTATIVES—Continued.

(201) Evidence.—As to Intent of Voter.—Continued.

The writing of the name of a candidate for a State office beneath the name of the candidate for Congress was held not to render uncertain the intent of the voter. Volume **II,** section **992.**

Although a sticker for one candidate left the name of the other exposed, the House considered the voter's intent evident and counted the sticker. Volume **II,** section **1044.**

A paster which did not cover the name of the rival candidate was yet held to make certain the intent of the voter. Volume **II,** section **998.**

In an election case an allegation that a certain number of votes were cast by proxy was conceded sufficiently certain without specification of the names. Volume **I,** section **763.**

(202) Evidence.—As to Returns.—In General.

The House, on the testimony of one witness, assumed that county canvassers had improperly included an uncertified return. Volume **II,** section **981.**

Election officers being required to file certain affidavits with a prothonotary, his certificate that this was not done was accepted as proof that the affidavits were not taken. Volume **II,** section **1130.**

(203) Evidence.—As to Returns.—Secondary.

Kind of proof accepted to prove votes additional to those returned for contestant at a precinct where his supporters were unable to read or write. Volume **II,** section **896.**

A declaration of result in open ward meeting, under a State law, was held prima facie evidence of the result, but controllable by evidence. Volume **II,** section **849.**

The original primary returns being inaccessible because of the contention or rival returning boards, the House gave credit to secondary evidence as to what they showed. Volume **I,** section **625.**

A return was corrected on the evidence of the tally list, supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **999.**

The House deducted on account of an uncertified precinct return, although only the parol evidence of a single witness showed that it was included in the county canvas. Volume **II,** section **981.**

(204) Evidence.—As to Returns.—The Official Certificate of the Vote.

A contestant must put in evidence the returns of the district as a basis for showing the effect of his charges. Volume **II,** section **1100.**

The limit on the time of taking testimony in an election case applies to witnesses, and not to a certified copy of the returns. Volume **I,** section **839.**

(205) Evidence.—As to Votes.—To Prove the Nature of Such as are Illegal.

A vote being admitted should not be rejected on evidence that merely throws a doubt on it. Volume **II,** section **888.**

The voter not being compelled to testify for whom he voted, proof of general reputation as to political character and party preferences was accepted to determine the vote. Volume **I,** section **799.**

The House reversed the rule of its committee that a vote might be rejected from the poll on the testimony of more than one witness that the voter was unknown in the county. Volume **I,** section **55.**

A vote admitted without presentation of required evidence at the polls is not validated by production of the evidence during the investigation. Volume **II,** section **979.**

(206) Evidence.—To Prove How the Elector Votes When He Does Not Disclose His Vote.

Discussion as to the kind of evidence required to show how the elector votes when he declines to disclose his ballot. Volume **II,** section **865.**

When an illegal vote is cast by secret ballot the committee endeavor to ascertain, from circumstantial evidence, for who the vote was cast. Volume **II,** section **865.**

ELECTIONS OF REPRESENTATIVES—Continued.

(206) Evidence.—To Prove How the Elector Votes When He Does Not Disclose His Vote— Continued.

As to the degree of evidence required to prove the ballot of a disqualified voter who does not testify to his own vote. Volume **II,** section **929.**

Discussion of the evidence required to establish for whom a voter has cast his ballot. Volume **I,** section **814.**

The voter not being compelled to testify for whom he voted, proof of general reputation as to political character and party preferences was accepted to determine the vote. Volume **I,** section **799.**

Unidentified votes cast by disqualified persons were proven by testimony as to party affiliations of the persons and circumstances attending the voter. Volume **II,** section **957.**

In the absence of direct proof of how he voted, evidence as to the voter's party, his advocacy of candidates, or the friends who sustained his right to vote is admissible. Volume **I,** section **585.**

Testimony that a certain man belonged to a certain club and a certain party was held insufficient proof aliunde of his vote. Volume **II,** section **1093.**

Evidence as to the party affiliations of voters is inconclusive as proof of how they cast their ballots. Volume **I,** section **738.**

Instance wherein the vote of a disqualified voter was proven by the fact of his color. Volume **II,** section **985.**

Votes proven by merely showing the party affiliations of the voter have been counted by the Elections Committee. Volume **I,** section **580.**

In regard to minors and nonresidents as voters, the mere opinion of a witness who does not state facts to justify it is insufficient. Volume **II,** section **963.**

At a poll where votes were cast by disqualified persons the return was corrected on the testimony of persons who assumed to know how the disqualified persons voted. Volume **II,** section **875.**

Votes received at an outside poll by a United States commissioner, and confirmed by evidence of the voters themselves, were counted by the House. Volume **II,** section **1026.**

(207) Evidence.—Of the Voter to Prove His Own Vote, Especially in Case of Disqualification.

The vote thrown by an alleged disqualified voter may be proven by his own testimony or that of friends who heard his declarations. Volume **I,** section **836.**

As to the competency of a voter as a witness to prove for whom he cast his ballot. Volume **II,** section **858.**

A theory that a voter, whose qualifications are challenged, is a party whose confession is proper evidence. Volume **I,** section **836.**

A voter's testimony under oath that he was disqualified and voted for a certain candidate was accepted as justification for rejecting the vote. Volume **II,** section **1131.**

One who has knowingly cast an illegal vote should not be relied on to prove how he voted, but it is otherwise in case of honest mistake. Volume **I,** section **585.**

The testimony of a voter as to what ballot he cast depends for its value on the intelligence of the witness. Volume **II,** section **932.**

Where ballots are numbered in connection with the voter's name, the ballots themselves are the best evidence and the testimony of the voter should not be taken. Volume **II,** section **1044.**

Evidence of voters as to their votes is of doubtful validity if taken several months after election. Volume **II,** section **1062.**

A voter may not by subsequent oral testimony contradict the plain expression of the ballot, although circumstances corroborate the testimony. Volume **II,** section **930.**

As to evidence on which votes may be proven aliunde when the ballot box has been taken by armed force and witnesses are intimidated. Volume **II,** section **1038.**

ELECTIONS OF REPRESENTATIVES—Continued.

(207) Evidence.—Of the Voter to Prove His Own Vote, Especially in Case of Disqualification—Continued.

The returns being stolen after they were made out by the election officer, their contents were proven orally by one witness. Volume **II,** section **1043.**

The returns being destroyed by a tampering with the ballots after the count, contestant was permitted to prove his vote aliunde by testimony of persons who saw the votes cast and tallied or estimated it. Volume **II,** section **1008.**

After the election the testimony of the voter as to how he voted may not be received to impeach the ballot recorded as cast by him. Volume **I,** section **831.**

Evidence taken ex parte is not considered when given by electors as to their votes. Volume **II,** section **872.**

Ballots improperly rejected by election officers and them illegally destroyed were proven aliunde and counted. Volume **II,** section **1079.**

(208) Evidence.—Of the Declarations of Voter as to His Own Vote.

Declarations of the voter as to his vote must be clear and satisfactory and clearly proven. Volume **II,** section **885.**

Evidence of hearsay declarations of the voter is receivable only when the fact that he voted is shown by evidence aliunde. Volume **II,** section **885.**

Discussion of the value as evidence of a party's declaration as to his vote, whether a part of the res gestae or not. Volume **II,** section **885.**

Where the ballot was secret, testimony of an acquaintance as to voter's declaration before election was accepted as proof aliunde. Volume **II,** section **1131.**

Evidence of declarations of voters after the election as to how they voted was rejected as hearsay. Volume **II,** section **988.**

Testimony quoting statements of the voter after election, as to how he voted or as to his qualifications, is inadmissible to prove illegality of a ballot, being hearsay. Volume **I,** section **585.**

Testimony as to what a voter said after election as to his vote is not admissible to prove for whom the vote was cast. Volume **I,** section **537.**

Testimony as to statement of a voter a considerable time after the act of voting was not admitted to prove how he voted. Volume **II,** section **861.**

Discussion as to whether or not the voters are parties to an election case in the sense that their declarations are admissible to prove their votes. Volume **II,** section **988.**

Hearsay evidence as to declarations of voter as to how he had voted or would vote was held incompetent. Volume **I,** section **738.**

As to the testimony of third persons objected to as hearsay in cases of voters challenged for disqualifications. Volume **I,** section **842.**

As to efficacy of voter's admissions to prove an illegal vote. Volume **II,** section **958.**

As to the admission of the declaration of voters challenged as to their qualifications. Volume **I,** section **842.**

The State law preventing voters from testifying as to the ballots cast by them, the Elections Committee did not admit declarations as next best evidence. Volume **I,** section **784.**

Discussion as to admissibility of oral evidence to contradict a ballot. Volume **II,** section **987.**

A voter may not by subsequent oral testimony contradict the plain expression of the ballot, although circumstances corroborate the testimony. Volume **II,** section **930.**

After the election the testimony of the voter as to how he voted may not be received to impeach the ballot recorded as cast by him. Volume **I,** section **831.**

Instance wherein evidence of declarations of voters and their affidavits as to their votes were not accepted as showing the state of the poll. Volume **II,** section **1065.**

Discussion of the status of the voter as a party to the proceedings in a contested election case. Volume **II,** section **885.**

The electors are interested parties to a contest and may not be precluded by any laches of contestant or returned Member. Volume **II,** section **863.**

ELECTIONS OF REPRESENTATIVES—Continued.

(208) Evidence.—Of the Declarations of Voter as to His Own Vote—Continued.

Distinction between a controversy at the polls as to a vote and a controversy before the Elections Committee where the voter is not a party. Volume **I,** section **796.**

The House, in 1817, held that it was competent to examine the qualifications of voters, although they had voted by a secret ballot and might be compelled to disclose their votes. Volume **I,** section **772.**

Where the election has been by ballot the Elections Committee declined to investigate qualifications of voters to the extent of violating the secrecy of the ballot. Volume **I,** section **777.**

Opinions of the Elections Committee as to investigating qualifications of voters who have voted by secret ballot. Volume **I,** section **775.**

It being impossible to prove how a disqualified voter cast his ballot the vote was not deducted. Volume **II,** section **929.**

As to the degree of evidence required to prove the ballot of a disqualified voter who does not testify to his own vote. Volume **II,** section **929.**

A voter's testimony under oath that he was disqualified and voted for a certain candidate was accepted as justification for rejecting the vote. Volume **II,** section **1131.**

In a sustained case the Elections Committee admitted as proof of his title to vote the voter's properly taken affidavit. Volume **I,** section **771.**

Voting being viva voce, the testimony of the voter was admitted to prove his qualifications. Volume **I,** section **780.**

A theory that a voter whose qualifications are challenged is a party whose confession is proper evidence. Volume **I,** section **836.**

The vote thrown by an alleged disqualified voter may be proven by his own testimony or that of friends who heard his declarations. Volume **I,** section **836.**

Electors having made affidavit of their qualifications and as to the ballots they intended to cast, and the same being corroborated orally, the House counted the rejected votes. Volume **II,** section **978.**

(209) Evidence.—Of the Voter to Prove the Vote When Returns Have Been Rejected.

Returns being rejected and the boxes impeached, the vote was proven aliunde by calling the voters whose names appeared on the poll list. Volume **II,** section **1034.**

The returns being rejected the vote aliunde was proven entirely by the testimony of the voters. Volume **II,** section **964.**

The return being rejected votes were proven aliunde on testimony of the voters, corroborated by a witness who saw them vote. Volume **II,** section **964.**

Votes proven aliunde by persons swearing that they were qualified and that they voted for the contestee in the election in question. Volume **II,** section **882.**

Where votes are proven aliunde the voter is swearing to his vote need not identify the ballot. Volume **II,** section **882.**

In proving the vote aliunde the Elections Committee rejected hearsay testimony and conjecture, and required the evidence of the voter or the marker. Volume **II,** section **1097.**

In proving votes aliunde the testimony of the voters themselves was preferred to an unofficial tally. Volume **II,** section **1109.**

Where election officers are discredited by a falsified return their testimony as to their own votes is valueless as proof aliunde. Volume **II,** section **1050.**

Returns being rejected the evidence of the voters as to how they voted is not always accepted in proving the vote aliunde. Volume **II,** section **932.**

Instance wherein evidence of declarations of voters and their affidavits as to their votes were not accepted as showing the state of the poll. Volume **II,** section **1065.**

Instance wherein depositions given by voters at the time of voting were admitted in proof aliunde. Volume **II,** section **1111.**

Discussion of the doctrine of res gestae as applied to certificates made by voters at the time of voting. Volume **II,** section **1103.**

ELECTIONS OF REPRESENTATIVES—Continued.

(209) Evidence.—Of the Voter to Prove the Vote When Returns Have Been Rejected— Continued.

A voter may not by subsequent oral testimony contradict the plain expression of the ballot, although circumstances corroborate the testimony. Volume **II,** section **930.**

The fact that votes proven to have been cast by testimony of the voters do not appear in the count does not vitiate an election when not numerous enough to affect the result appreciably. Volume **II,** section **1110.**

After the election the testimony of the voter as to how he voted may not be received to impeach the ballot recorded as cast by him. Volume **I,** section **831.**

The committee in 1793 declined to permit a ballot to be impeached by the testimony of the voter after the act of voting. Volume **I,** section **759.**

Votes proven aliunde by persons swearing that they were qualified and that they voted for the contestee in the election in question. Volume **II,** section **882.**

In a sustained case the Elections Committee admitted as proof of his title to vote the voter's properly taken affidavit. Volume **I,** section **771.**

(210) Evidence.—General Testimony to Prove the Vote When Returns Have Been Rejected.

Discussion of the kind of evidence required to prove aliunde a vote at a precinct whereof the returns are rejected. Volume **II,** section **858.**

The returns being destroyed by a tampering with the ballots after the count, contestant was permitted to prove his vote aliunde by testimony of persons who saw the votes cast and tallied or estimated them. Volume **II,** section **1008.**

Returns being rejected for fraud, the statement of a witness who saw a definite number of votes thrown for contestant, corroborated by general testimony, was received as proof aliunde. Volume **II,** section **1023.**

Votes may be proven aliunde by evidence of third persons as to how the voters cast their ballots. Volume **II,** section **882.**

Certificates of canvassing officers, supplemented by certified transcript by a chancery clerk, were held prima facie evidence of the votes at a poll whereof the primary returns were rejected. Volume **II,** section **960.**

Where returns are rejected the vote may not be proven aliunde by the opinion of a person who kept a tally sheet. Volume **II,** section **902.**

Whee the State law does not make it the duty of an officer to make a report of the votes cast, a report from that officer is not accepted as evidence of the vote. Volume **II,** section **1054.**

As to proving a vote aliunde by testimony of a United States inspector who distributed tickets and saw them voted. Volume **II,** section **1038.**

As to evidence on which votes may be proven aliunde when the ballot box has been taken by armed force and witnesses are intimidated. Volume **II,** section **1038.**

Votes may not be proven aliunde on mere estimates of witnesses. Volume **II,** section **1132.**

Agents of contestee having intimidated contestant's witnesses, the House did not require the best evidence for proof aliunde of the vote. Volume **II,** section **1024.**

Where, by a conspiracy of officials, ignorant election officers were installed and then their imperfect returns rejected, contestant was permitted to prove the vote aliunde by oral evidence of inspectors, etc. Volume **II,** section **965.**

Returns being rejected for fraud by election officers, no act of the said officers may be admitted as proof aliunde of the vote. Volume **II,** section **932.**

Kind of proof accepted to prove votes additional to those returned for contestant at a precinct where his supporters were unable to read or write. Volume **II,** section **896.**

Where a conspiracy to bribe for the benefit of one party causes rejection of the returns, should the innocent opposing party be credited with his unimpeached vote? Volume **II,** section **1086.**

ELECTIONS OF REPRESENTATIVES—Continued.

(210) Evidence.—General Testimony to Prove the Vote When Returns Have Been Rejected— Continued.

Certain votes in a county being evidently cast were counted according to the known opinions of the voters, although there was evidence generally of great frauds. Volume **I,** section **721.**

Returns having been lost or destroyed, testimony of election officers being conflicting and the voters not having been called, the vote was not counted. Volume **II,** section **914.**

Official ballots being destroyed in furtherance of a conspiracy of election officers, the House corrected the return on testimony of witnesses who estimated the amount of resulting injury. Volume **II,** section **1094.**

Reference to a discussion of the return of United States supervisors as evidence of the vote cast. Volume **II,** section **960.**

The friends of returned Member having prevented taking of testimony for contestant, the House did not require strict and technical proof in proving a vote aliunde. Volume **II,** section **1023.**

Testimony that a certain man belonged to a certain club and a certain party was held insufficient proof aliunde of his vote. Volume **II,** section **1093.**

The House counted votes rejected by election officers because the initials instead of the full name of the candidate were written thereon, there being no doubt of the voter's intent. Volume **II,** section **1090.**

(211) Evidence.—Of the Voter to Prove the Vote Which He Was Prevented From Casting.

Evidence to justify counting of rejected votes should be the best, i.e., of the voters themselves. Volume **II,** section **954.**

In order to justify counting votes of voters standing in line to vote, but not voting, each voter should be called as a witness. Volume **II,** section **1033.**

In proving votes not cast the House required that each elector should testify as to the facts which entitled him to vote and have his vote counted. Volume **II,** section **1098.**

Electors having made affidavit of their qualifications and as to the ballots they intended to cast, and the same being corroborated orally, the House counted the rejected votes. Volume **II,** section **978.**

The House counted the votes of persons who swore that they intended and tried to vote for contestant, but were prevented because other persons had voted on their names. Volume **II,** section **1067.**

The House counts lists of wrongfully disfranchised qualified voters when sustained by other evidence that the voters were present near the polls to vote and would have voted for the party claiming had they not been prevented. Volume **II,** section **1075.**

Where electors were intimidated by local officers, the House counted votes thus prevented on testimony establishing a "strong probability" as to the number. Volume **II,** section **1093.**

An affidavit of a voter as to how he intended to vote, made at the time the vote was rejected, was accepted as a valid declaration and part of the res gestae. Volume **II,** section **900.**

Discussion of a signed statement of an elector whose vote has been refused in relation to the doctrine of res gestae. Volume **II,** section **1126.**

The House declined to count votes of persons whose right to vote was illegally nullified on the evidence of statements of fact signed by those persons. Volume **II,** section **1126.**

The House will not, on pretense that a class of voters are unconstitutionally prevented from voting, count the votes of persons not shown individually to have attempted or desired or been qualified to vote. Volume **II,** section **1132.**

Instance wherein the House took into account the votes of electors not actually at the polls. Volume **II,** section **1094.**

The House counted lawful ballots rejected by election officers on frivolous and technical challenges. Volume **II,** section **1090.**

ELECTIONS OF REPRESENTATIVES—Continued.

(211) Evidence.—Of the Voter to Prove the Vote Which He Was Prevented from Casting— Continued.

The House counted as if cast the votes of electors who, after using due diligence, were prevented from voting by the delays of election officers. Volume **II,** section **1098.**

Voters being prevented by no fault of their own from obtaining the registration certificates required for voting, the House counted the votes as if cast. Volume **II,** section **1025.**

Where a marking judge refused assistance to voters the House did not reject the returns, but added votes proven aliunde. Volume **II,** section **1109.**

Where an unauthorized but not fraudulent erasure of names occurred on a registration list the House counted votes of electors harmed by this erasure. Volume **II,** section **1084.**

The House declined to count the votes of witnesses who failed to show that they were illegally refused registration or that they had tried to vote. Volume **II,** section **1087.**

With no proof to show what the vote might have been the House did not attempt to rectify the wrong caused by failure of election officers to open polls. Volume **II,** section **1023.**

The Elections Committee declined to consider the failure of election officers to hold the elections in certain precincts when it was not shown that either party was deprived thereby of votes to which he was entitled. Volume **II,** section **1132.**

Where an election is not held, although there be no sufficient excuse for the failure, the House is reluctant to allow votes for either party. Volume **II,** section **1116.**

The House declined to count as cast the vote of a person kept from the polls by a bogus telegram sent by persons unknown. Volume **II,** section **1069.**

(212) Evidence.—As to Votes.—Of the Voter to Contradict the Ballot.

The House, in 1834, reversed the decision of its committee that recorded votes on the poll book could not be changed by oral testimony. Volume **I,** section **55.**

(213) Evidence.—General Testimony to Prove Rejected Votes.

Discussion as to the evidence required to justify taking into account ballots rejected wrongfully by election officers. Volume **II,** section **963.**

Votes improperly rejected were, in absence of direct testimony, counted on proof of the general political action of the voter. Volume **I,** section **799.**

The House added to contestant's return rejected lawful votes on the testimony of persons who saw the votes rejected and knew the political preferences of the electors. Volume **II,** section **1093.**

The House counts lists of wrongfully disfranchised qualified voters when sustained by other evidence that the voters were present near the polls to vote and would have voted for the party claiming had they not been prevented. Volume **II,** section **1075.**

The House will not count votes of persons alleged to have been illegally denied the right to vote on the strength of mere lists of such persons kept loosely and not authenticated by testimony. Volume **II,** section **1135.**

Where electors were intimidated by local officers, the House counted votes thus prevented, on testimony establishing a "strong probability" as to the number. Volume **II,** section **1093.**

A question as to whether an estimate of persons kept from the polls by a conspiracy to intimidate should have weight in determining the result. Volume **I,** section **622.**

Oral testimony as to the making of affidavits by rejected voters was accepted as evidence of the fact and not as hearsay. Volume **II,** section **900.**

Persons being denied the privilege of voting because of disqualification, their votes may not be counted by the House of general testimony as to their qualifications. Volume **II,** section **870.**

Rejected ballots being illegally destroyed by election officers who were partisans of contestee, and against protest, contestant was held entitled to the advantage of every doubt. Volume **II,** section **1079.**

ELECTIONS OF REPRESENTATIVES—Continued.

(213) Evidence.—General Testimony to Prove Rejected Votes—Continued.

Where many persons are disfranchised by an unconstitutional election law the House will not bring them into the account on the mere opinion of witnesses as to the number. Volume **II,** section **1066.**

The name of a candidate being written wrongly on a ballot, the House examined testimony as to the intent of the voter. Volume **I,** section **641.**

The House may go behind the ballot to ascertain the intent of the voter, so as to explain what is ambiguous or doubtful. Volume **I,** sections **639, 641.**

An election officer having committed a fraudulent act in counting ballots, the return was rejected and only votes proven aliunde were allowed. Volume **II,** section **1008.**

Where returns are falsified by election officers they have no prima facie effect and the parties may be credited only with such votes as may be proven aliunde. Volume **II,** section **1102.**

The parties in proving fraud have proved the votes actually cast, the House corrected the poll instead of rejecting it. Volume **II,** section **866.**

The House, in judging the harm done by a fraudulent ballot, took account of the opinions of witnesses. Volume **II,** section **1095.**

Official ballots being destroyed in furtherance of a conspiracy of election officers, the House corrected the return on testimony of witnesses who estimated the amount of resulting injury. Volume **II,** section **1094.**

Discussion as to what constitutes a tender or offer to vote. Volume **II,** section **1026.**

Discussion as to the act of tendering a vote under the old and new ballot laws. Volume **II,** section **1099.**

When by a conspiracy of officials ignorant election officers were installed and then their imperfect returns rejected contestant was permitted to prove the vote aliunde by oral evidence of inspectors, etc. Volume **II,** section **965.**

The regular returns being lost or invalidated and not canvassed, the House took into account a statement of the United States supervisors as to the state of the vote. Volume **II,** section **1014.**

Votes may not be proven aliunde on mere estimates of witnesses. Volume **II,** section **1132.**

Testimony that a certain man belonged to a certain club and a certain party was held insufficient proof aliunde of his vote. Volume **II,** section **1093.**

Votes proven by merely showing the party affiliations of the voter have been counted by the elections Committee. Volume **I,** section **580.**

The House declined to reopen an election case to enable returned Member to prove his vote aliunde at several precincts whereof the returns had been rejected. Volume **II,** section **1019.**

The name of a candidate being written wrongly on a ballot, the House examined testimony as to the intent of the voter. Volume **I,** section **641.**

Contestant producing no legal evidence as to the return and nothing to show that such return might not have been produced, parol evidence as to the vote was not considered. Volume **II,** section **1013.**

(214) Evidence.—Presumptions in favor of Acts of Officers.

In the absence of proof to the contrary, election officers are presumed to have fully discharged the duties devolving upon them as such. Volume **VI,** section **148.**

In the absence of proof to the contrary, the presumption is that the election officers performed their duties in every respect. Volume **VI,** sections **124, 148.**

The presumption that election officers properly discharged their full duty must obtain until refuted by competent and convincing evidence. Volume **VI,** section **143.**

The House and its committees are not to be considered boards of recount, and returns made by boards, charged with that duty by the State in which the election is held, are presumed correct until impeached by proof of irregularity or fraud. Volume **VI,** section **164.**

ELECTIONS OF REPRESENTATIVES—Continued.

(214) Evidence.—Presumptions in Favor of Acts of Officers—Continued.

Returns made by duly appointed officials are presumed to be correct until impeached by proof of such irregularity and fraud as to raise the presumption of incompetency or dishonesty, and the House will not constitute itself a mere board of recount. Volume **VI,** section **166.**

The records and returns of election officers are presumed to be correct, and are to be set aside only on conclusive proof. Volume **I,** section **820.**

The acts of proper officers, acting within the sphere of their duties, are presumed correct unless shown to be otherwise. Volume **I,** section **807.**

It is a rule of law that public officers are supposed to do their duty, and this presumption becomes conclusive if not rebutted. Volume **II,** section **1046.**

The presumption that sworn officers did their duty must obtain unless it is clearly shown that erasures from the ballot were made by them. Volume **II,** section **950.**

Discussion of the weight of testimony of election officers as to their own acts when impeached by the evidence of illiterate voters. Volume **II,** section **1102.**

Failure of an election officer to perform a certain duty does not establish the presumption that he has failed as to other duties. Volume **II,** section **940.**

An election officer, being presumed to do his duty, is presumed to have taken a required oath, and the burden of proving otherwise is on the objecting party. Volume **I,** section **782.**

Discussion of degree and kind of evidence required to rebut the presumption in favor of the acts of election officers. Volume **I,** section **820.**

A return impeached by the evidence of an election officer is rejected as worthless and is not received for any purpose. Volume **II,** section **890.**

The returns of the regularly constituted authorities will not be disturbed by presumptions raised by a census of voters by races. Volume **II,** section **966.**

Instance wherein the census and returns of previous elections were referred to as creating a presumption against a return. Volume **II,** section **984.**

Instant wherein returns of a former election were cited to corroborate proof of intimidation and fraud. Volume **II,** section **969.**

The House declined to reject the poll of a precinct whereof the registration was impeached by a police census of doubtful weight. Volume **II,** section **1067.**

No illegal vote being shown, the poll was not rejected because of presumptions created by a census and arithmetical calculations. Volume **I,** section **804.**

Instance wherein the Elections Committee considered as a suspicious circumstance a variation from the vote of the preceding election. Volume **II,** section **1016.**

Evidence showing that a county was divided politically on the color line, incompatibility between the returns and the census was admitted to impeach the election and the returns. Volume **II,** section **969.**

A clear preponderance of competent evidence is required to overthrow the prima facie legality of a ballot received by the election officers. Volume **I,** section **585.**

A person whose vote has been received by the officers of election is presumed to be qualified. Volume **I,** section **810.**

In the absence of evidence to the contrary, the election officers are presumed to have acted correctly in denying the claims of certain persons who attempted to vote. Volume **II,** section **1055.**

An admitted ballot is prima facie good, and the burden of proof is on the party objecting that the voter is an alien. Volume **I,** section **796.**

A vote received by election officers is presumed to be legal, and is not to be impeached by a question of registration except on indubitable proof. Volume **II,** section **962.**

Being unable to inspect a ballot the committee and House accepted the judgment of the election judges that it was intended for a blank. Volume **I,** section **776.**

The election officers having received a made-up ballot of which voter had neglected to paste the two parts together, the House declined to overrule the action. Volume **II,** section **998.**

ELECTIONS OF REPRESENTATIVES—Continued.

(214) Evidence.—Presumptions in Favor of Acts of Officers—Continued.

The House, in 1834, reversed the decision of its committee that recorded votes on the poll book could not be changed by oral testimony. Volume **I,** section **55.**

A person whose votes has been received by the officers of election is presumed to be qualified. Volume **I,** section **810.**

In the absence of evidence to the contrary, the election officers are presumed to have acted correctly in denying the claims of certain persons who attempted to vote. Volume **II,** section **1055.**

Until the contrary is proven election officers are presumed to have tested the voter's qualifications by a required oath. Volume **II,** section **934.**

The disqualification of certain voters being shown prima facie, the burden of proof was thrown on the party claiming the votes. Volume **I,** section **830.**

The presence as to votes objected to because the voter is an alien, the party attacking the qualification may be required to prove a negative. Volume **I,** section **796.**

In a controversy as to votes objected to because the voter is an alien, the party attacking the qualification may be required to prove a negative. Volume **I,** section **796.**

Election officers should return all votes cast in the Congressional box, even though for persons not qualified. Volume **I,** section **779.**

The poll of a district in a prior year has been referred to in deciding upon the effect of a widespread system of intimidation. Volume **I,** section **331.**

As to the vadility of census returns and a canvas in proving a registration to be fraudulent. Volume **II,** section **1123.**

Instance wherein the city directory and a canvas by means of registered letters was accepted to discredit a registration. Volume **II,** section **1128.**

It is not safe to assume voting by nonresidents on mere testimony as to migrations of large numbers of persons. Volume **II,** section **907.**

(215) Evidence.—Effect of the Presumptions as to Acts of Officers of the Status of the Vote.

A vote received by election officers is prima facie good, and the burden of proof should be on the party objecting thereto. Volume **I,** section **783.**

The Elections Committee, in a sustained case, ruled that all votes recorded on the poll lists should be presumed good unless impeached by evidence. Volume **I,** section **771.**

All votes recorded on the poll lists are good unless impeached by evidence. Volume **I,** section **793.**

In the examination incident to the "Broad Seal Case" the Elections Committee held votes received by authorized officers acting legally as prima facie good. Volume **I,** section **585.**

A clear preponderance of competent evidence is required to overthrow the prima facie legality of a ballot received by the election officers. Volume **I,** section **585.**

On so difficult a question as that of residence strong testimony is required to destroy the presumption that election officers have permitted none but qualified electors to vote. Volume **II,** section **935.**

A vote, being admitted, should not be rejected on evidence that merely throws a doubt on it. Volume **II,** section **888.**

The House will not overrule the decisions of honest election officers on conflicting testimony as to qualifications of voters. Volume **II,** section **971.**

In the absence of evidence to the contrary the election officers are presumed to have acted correctly in denying the claims of certain powers who attempted to vote. Volume **II,** section **1055.**

Discussion as to the evidence required to reject votes of alleged papers received and counted by the election officers. Volume **II,** section **909.**

The House reversed the rule of its committee that a vote might be rejected from the poll on the testimony of more than one witness that the voter was unknown in the country. Volume **I,** section **55.**

ELECTIONS OF REPRESENTATIVES—Continued.

(215) Evidence.—Effect of the Presumptions as to Acts of Officers on the Status of the Vote— Continued.

It not being shown that the law required a record of the qualification of an election officer, the committee declined to assume, from absence of the record, that he was not qualified. Volume **I,** section **618.**

A slight technical error in a jurat, omitting that which may be made certain, should not cause rejection of a poll, even when the law makes rejection the penalty of improper certification of the oath. Volume **I,** section **583.**

When irregularity of a jurat works rejection of a poll, unless canvassing officers are satisfied that the oath was taken, the counting of the poll is conclusive offset to faculty jurat. Volume **I,** section **583.**

As ex parte deposition, tending to show that certain election officers had been sworn, was not admitted. Volume **I,** section **843.**

The fact that registration officers register the voter raises the presumption that the latter gave proper answers to questions necessary to the act. Volume **II,** section **1048.**

(216) Evidence.—Degree and Kind Required to Destroy Presumption in Favor of Officers.

Discussion of degree and kind of evidence required to rebut the presumption in favor of the acts of election officers. Volume **I,** section **820.**

As to the weight of testimony required to overturn the presumption that sworn agents of the law have acted rightly. Volume **II,** section **980.**

Clear and satisfactory proof of fraud or mistake is required to remove the legal presumption in favor of the correctness of the acts of sworn election officers. Volume **II,** section **906.**

The fact that fewer votes were returned for contestant than for the head of his party ticket was held not to justify a conclusion of fraud. Volume **I,** section **737.**

A succession of unexplained irregularities on the part of intelligent election officers destroys the presumption in favor of the returns. Volume **II,** section **1032.**

A presumption arising from the previous good character of election officers is destroyed by uncontradicted and positive testimony as to their fraudulent conduct at the election. Volume **II,** section **1089.**

The presumption in favor of the truthfulness of official returns disappears on proof that the election officers violated the law. Volume **II,** section **1065.**

Distinction between proof required to set aside returns of sworn officers and that which will establish a vote aliunde when returns do not exist. Volume **II,** section **965.**

In order for a recount of votes to rebut the presumption in favor of the election officers it must be shown that the boxes are been kept inviolate. Volume **II,** section **847.**

A county canvassing board having ministerial duties only are presumped to act correctly, but this presumption may be rebutted at any time by reference to precinct returns. Volume **I,** section **577.**

The burden of proving error or falsity of election returns rests upon the contestant. Volume **VI,** section **124.**

Notwithstanding that the law requiring careful preservation of ballots may not have been complied with, and that opportunity to tamper with the ballots may be shown to have complied with, and that opportunity to tamper with the ballots may be shown to have existed, unless evidence is produced to prove such tampering the point will not be considered. Volume **I,** section **132.**

The House reviewed and reversed the decision of elections officers in admitting a ballot not conforming to the State law. Volume **I,** section **775.**

The election officers having received a made-up ballot of which voter had neglected to paste the two parts together, the House declined to overrule the action. Volume **II,** section **998.**

Votes received before the election board was legally organized were rejected. Volume **II,** section **1044.**

ELECTIONS OF REPRESENTATIVES—Continued.

(216) Evidence.—Degree and Kind Required to Destroy Presumption in Favor of Officers— Continued.

The acts of election officers being presumed to be correct, a vote should not be rejected unless it is positively proven that the voter was disqualified as to registration. Volume **II,** section **933.**

Where election officers received votes without the required evidence that a poll tax had been paid, the House rejected the votes, although the tax had in fact been paid. Volume **II,** section **1051.**

Being unable to inspect a ballot, the committee and House accepted the judgment of the election judges that it was intended for a blank. Volume **I,** section **776.**

(217) Evidence.—Presumption in Favor of Election Officers Destroyed by Testimony of Voters as to Their Votes.

Official returns may be impeached successfully by testimony of voters as to how they cast their ballots. Volume **II,** section **1094.**

An election board being unfairly constituted, the returns were successfully impeached by the testimony of individual voters as to their ballots and qualifications. Volume **II,** section **1033.**

Where election officers returned twelve votes for contestant and seventeen electors swore they voted for him, the House rejected the entire return. Volume **II,** section **1111.**

Returns impeached by the testimony of the voters themselves and by an unofficial tally were rejected. Volume **II,** section **1109.**

Certificates of voters stating how they had voted and given at the time of voting to a person who sustained them by testimony were admitted as evidence against the return. Volume **II,** section **1103.**

Where election markers fraudulently mark the ballots of illiterate voters, the returns may be impeached by the testimony of the voters as to the ballots they intended to vote. Volume **II,** section **1102.**

The honesty of election officers being impeached, the testimony of the voters as to their own votes was admitted to destroy the return and prove the vote aliunde. Volume **II,** section **980.**

Where the law provided for identification of the ballot cast by a voter, and where sixty-two voters examined ballots credited to them and disowned them, the returns were rejected for fraud. Volume **II,** section **1019.**

The Committee in 1793 declined to permit a ballot to be impeached by the testimony of the voter after the act of voting. Volume **I,** section **759.**

(218) Evidence.—Effect of Testimony Other Than That of the Voters on the Returns of the Officers.

Evidence that persons whose names appeared on the poll books were no longer employed in the locality and presumably had left before election day was deemed inconclusive proof of illegal voting. Volume **VI,** section **123.**

Votes of persons listed as having been illegally denied the right to vote will not be counted on the strength of a mere certificate to that effect unauthenticated by other evidence. Volume **II,** section **128.**

The ballots themselves constitute the best evidence and the count of election officials should not be set aside by testimony of a witness who merely looked at the ballots and testified to the results. Volume **VI,** section **115.**

The House, overruling the committee, declined to find the return of the election officers fraudulent on the strength of an impeached recount of the votes. Volume **II,** section **847.**

The custody of the ballot boxes being suspicious, the House declined to set aside the returns on the strength of a recount. Volume **II,** section **848.**

General testimony that voters were deceived by false tickets, etc., does not, in the absence of specific proof, justify the rejection of a poll. Volume **II,** section **887.**

ELECTIONS OF REPRESENTATIVES—Continued.

(218) Evidence.—Effect of Testimony Other Than That of the Voters on the Returns of the Officers—Continued.

The House declined to impeach a return on the testimony of a witness who distributed tickets and testified that he saw them voted in numbers greater than the returns credited. Volume **II,** section **1007.**

Oral testimony impeaching a return already counted by return judges was held not sufficient to cause rejection of the vote, actual return not being identified and offered. Volume **II,** section **558.**

The House did not permit the returns of election officers to be impeached by testimony of partisan workers who tallied the ballots cast. Volume **II,** section **1043.**

Both the returns and the vote were rejected in a case wherein contestee's proof aliunde gave him a greater vote than was returned by a dishonest election board favorable to him. Volume **II,** section **932.**

The House deducted on account of an uncertified precinct return, although only the parol evidence of a single witness showed that it was included in the county canvass. Volume **II,** section **981.**

There being evidence of a conspiracy of election officers to defraud, the returns were satisfactorily impeached by evidence falling short of the best evidence, i.e., the testimony of the voters themselves. Volume **II,** section **1030.**

Instance wherein returns were impeached on evidence of a person who saw and listed the ballot of each voter as he deposited it. Volume **II,** section **1033.**

The House rejected a return of State election officers on the evidence of the returns of United States Supervisor of Elections. Volume **I,** section **736.**

Evidence of declarations of voters when they took their tickets and went to the box, availed to discredit returns of elections officers of doubtful honesty. Volume **II,** section **1030.**

Discussion as to the sufficiency of tally lists kept by watchers at the polls, to impeach the returns of the officers. Volume **II,** section **1104.**

Discussion as to what is the best evidence when objection is made to the action of county canvassers in rejecting precinct returns. Volume **II,** section **1057.**

Where canvassing officers reject returns transmitted unsealed when the law requires them to be sealed, what evidence should the House require to overrule the canvassers? Volume **II,** section **1057.**

To vitiate the election of returned Member a general scheme of fraud must be proven both to have existed and to have been effective. Volume **II,** section **967.**

An election board being unfairly constituted, the returns were successfully impeached by the testimony of individual voters as to their ballots and qualifications. Volume **II,** section **1033.**

The honestly of election officers being impeached, the testimony of the voters as to their own votes was admitted to destroy the return and prove the vote aliunde. Volume **II,** section **980.**

(219) Evidence.—Of the Qualifications of Voters.

Discussion of the nature of evidence required to prove the qualifications of voters. Volume **I,** section **842.**

In a sustained case, the Elections Committee admitted as proof of his title to vote the voter's properly taken affidavit. Volume **I,** section **771.**

Voting being via voce, the testimony of the voter was admitted to prove his qualifications. Volume **II,** section **780.**

The Elections Committee held copies of muster rolls of a regiment prima facie evidence of the age of soldier voters. Volume **II,** section **851.**

Regular naturalization papers, attacked by parol proof that they were obtained by fraud, were held to justify the vote given by the bearer. Volume **II,** section **929.**

As to the sufficiency of certified copies of registration lists as evidence of the qualifications of voters. Volume **II,** section **934.**

ELECTIONS OF REPRESENTATIVES—Continued.

(219) Evidence.—Of the Qualifications of Voters—Continued.

The presumption arising from the fact of registration is not overthrown by the simple proof that the voters are students. Volume **II,** section **1080.**

As to the degree of evidence required to justify rejection of a vote for disqualification on account of residence. Volume **II,** section **928.**

To reject votes cast by persons alleged not to have lived within the precinct, the best evidence regarding precinct lines should be produced. Volume **II,** section **989.**

In a controversy as to votes objected to because the voter is an alien, the party attacking the qualification may be required to prove a negative. Volume **I,** section **796.**

As to the evidence which should be produced at the poll to justify rejection of a vote tendered by alleged convict. Volume **II,** section **978.**

In regard to convicts as voters, the record of conviction is the only evidence acceptable to the House unless the record has been destroyed. Volume **II,** section **963.**

A judgment of the court was held sufficient evidence that a person was disqualified as a voter by being a convict. Volume **II,** section **1009.**

A vote admitted without presentation of required evidence at the polls is not validated by production of the evidence during the investigation. Volume **II,** section **979.**

In a city precinct testimony that certain names on the poll lists are unknown to the witnesses, does not justify an assumption that the voters are disqualified. Volume **II,** section **1001.**

Instance wherein the number of disqualified voters was fixed by testimony of a single witness as to his mere comparison of poll lists with delinquent tax list. Volume **II,** section **985.**

It is not safe to assume voting by nonresidents on mere testimony as to migrations of large numbers of persons. Volume **II,** section **907.**

In regard to minors and nonresidents as voters, the mere opinion of a witness, who does not state facts to justify it, is insufficient. Volume **II,** section **963.**

The presence of names on a list of foreign citizens enrolled under authority of a treaty was held prima facie evidence of disqualification for voting. Volume **I,** section **830.**

Nonprofessional evidence that a voter is an "idiot" may be given weight as a statement of fact rather than opinion. Volume **I,** section **586.**

Nonprofessional testimony as to a voter's "unsound mind" should be accompanied by careful definition to be of weight. Volume **I,** section **586.**

Until the contrary is proven, election officers are presumed to have tested the voter's qualifications by a required oath. Volume **II,** section **934.**

At a poll where votes were cast by disqualified persons the return was corrected on the testimony of persons who assumed to know how the disqualified persons voted. Volume **II,** section **875.**

An admitted ballot is prima facie good, and the burden of proof is on the party objecting that the voter is an alien. Volume **I,** section **796.**

A vote being received as sound, the mere fact that the voter is alien born does not compel the party claiming it to prove naturalization. Volume **I,** section **796.**

When a voter's qualifications are objected to the burden of proof is on the objecting party to show that the person voted for the competitor and was disqualified. Volume **II,** section **885.**

The disqualification of certain voters being shown prima facie, the burden of proof was thrown on the party claiming the votes. Volume **I,** section **830.**

The House declined to be bound by a decision of a State court on an analogous question, but not the identical question of qualifications of voters. Volume **II,** section **909.**

Opinions of the Elections Committee as to investigating qualifications of voters who have voted by secret ballot. Volume **I,** section **775.**

Where the election had been by ballot the Elections Committee declined to investigate qualifications of voters to the extent of violating the secrecy of the ballot. Volume **I,** section **777.**

ELECTIONS OF REPRESENTATIVES—Continued.

(219) Evidence.—Of the Qualifications of Voters—Continued.

The House, in 1817, held that it was competent to examine the qualifications of voters, although they had voted by a secret ballot and might be compelled to disclose their votes. Volume **I,** section **772.**

Where elections are objected to for want of qualifications their names should be set forth in the notice of contest. Volume **I,** section **773.**

The notice of contest need not give the names of voters objected to for disqualifications. Volume **I,** section **830.**

In an election case where it is alleged that votes have been cast by persons not qualified the names of such persons should be given in the notice of contest. Volume **I,** section **763.**

Instance wherein the vote of a disqualified voter was proven by the fact of his color. Volume **II,** section **985.**

The reports of the census taken for a city directory, produced from the archives of the city and proven by the takers, were admitted as prima facie evidence as to qualifications of voters. Volume **I,** section **843.**

The presence of names on a list of foreign citizens enrolled under authority of a treaty was held prima facie evidence of disqualification for voting. Volume **I,** section **830.**

A voter being qualified as to naturalization, his vote was not rejected because he did not produce his papers at the polls as required by the State constitution. Volume **II,** section **933.**

On a question of residence qualification of voters ward lines in cities should be shown by record evidence of boundaries. Volume **II,** section **1021.**

On so difficult a question as that of residence strong testimony is required to destroy the presumption that election officers have permitted none but qualified electors to vote. Volume **II,** section **935.**

Where elections were viva voce the Elections Committee required contestant to prove the want of residence of such persons as he claimed voted illegally. Volume **II,** section **880.**

An admitted ballot is prima facie good, and the burden of proof is on the party objecting that the voter is an alien. Volume **I,** section **796.**

Where voters are disqualified for crime a vote should not be rejected unless there is proper evidence of the conviction of the person offering it. Volume **I,** section **537.**

(220) Evidence.—Of Bribery.

The allegation of mere rumors of bribery is not sufficient to cause the Senate to investigate the election of a Senator. Volume **II,** section **955.**

Discussion of the degree and kind of evidence necessary to prove bribery in an election case. Volume **II,** section **945.**

As to the evidence required to establish a charge of bribery. Volume **II,** sections **912, 917.**

Discussion of the value in proving bribery of testimony as to statements of voters after they have voted. Volume **II,** section **1086.**

As to the evidence required to show a conspiracy to bribe. Volume **II,** section **1086.**

The House requires very plain evidence to presume such an interweaving of bribery in the votes as to justify rejection of the poll. Volume **II,** section **1005.**

Testimony which merely raises a presumption that money was used for bribery is not sufficient to affect the determination of an election case. Volume **II,** section **1063.**

The House declined to reject a vote on charges of general bribery sustained by hearsay testimony. Volume **II,** section **1000.**

Discussion of the value in proving bribery of testimony as to statements of voters after they have voted. Volume **II,** section **1086.**

Hearsay evidence as to declarations of voters that they had been bribed is unsatisfactory and dangerous evidence. Volume **I,** section **738.**

Discussion as to validity of English rule that to justify rejection of votes bribery must be practiced by the candidate or agent. Volume **II,** section **907.**

ELECTIONS OF REPRESENTATIVES—Continued.

(220) Evidence.—Of Bribery—Continued.

Discussion of the evidence required to prove charges of bribery. Volume **II,** section **917.**

Where a conspiracy to bribe is shown, and an indefinite number of tainted votes are cast, the entire poll is rejected. Volume **II,** section **1086.**

One of a series of ballots with similar distinguishing marks being shown to be corrupt, the House, overruling its committee, inferred corruption as to all. Volume **I,** section **576.**

Payment of the expenses of a contestant by sitting Member, on condition of latter's withdrawal, was not held as a corrupt obtaining of the seat. Volume **II,** section **901.**

Contestant may not impeach the title of sitting Member by general averments of error, fraud, bribery, or coercion, but must specifically set forth in notice of contest the grounds upon which the contest is brought. Volume **VI,** section **102.**

Where a conspiracy to bribe for the benefit of one party causes rejection of the return, should the innocent opposing party be credited with his unimpeached vote? Volume **II,** section **1086.**

Introduction under agreement with a civic organization of pension bill prior to election held not to constitute proof of bribery. Volume **VI,** section **81.**

Expenditure of money for advertising space or editorial comment in newspapers or for the hiring of speakers or personal workers held not to constitute bribery. Volume **VI,** section **84.**

Contributions to party campaign committees held not to constitute bribery. Volume **VI,** section **84.**

Participation by an election judge in bribery did not justify rejection of the poll when the contaminated votes could be separated. Volume **II,** section **1068.**

If an elector enters into an express or implied agreement as to his vote, the presumption is created that he votes in accordance with the agreement. Volume **II,** sections **917, 923.**

Employment for the purpose of controlling a vote, such object being known and acquiesced in by the voter, throws on the party naturally profiting the onus of proving that the vote was not influenced. Volume **II,** sections **917, 923.**

Jurisdiction of legislation providing penalties for commercial bribery, and other corrupt trade practices belongs to the Committee on the Judiciary. Volume **VII,** section **1754.**

Argument that bribery on the part of a returned Member does not constitute a disqualification justifying his exclusion. Volume **II,** section **946.**

(221) Evidence.—Of Fraud Generally.

Discussion as to appointment of election officers of one party only as prima facie evidence of fraud. Volume **II,** section **1104.**

Where the examination so far as made showed fraud, but not sufficient to change the result, the House declined to presume fraud also as to other boxes which might change the result. Volume **II,** section **1035.**

Fraud will not be presumed simply from an unusual ratio between votes and population. Volume **II,** section **892.**

Persons intending to vote fraudulently must be shown to have done so at some poll to justify corrections on their account. Volume **II,** section **851.**

General evidence that repeaters voted is not effective unless supplemented by specific evidence as to who they were and where and for whom they voted. Volume **II,** section **1055.**

The House, in judging the harm done by a fraudulent ballot, took account of the opinions of witnesses. Volume **II,** section **1095.**

The House declined to declare a seat vacant on hearsay evidence as to general bribery and irregularities. Volume **II,** section **1001.**

In the absence of law requiring ballots to be counted in the voting place in which they were cast, the removal of ballot boxes to another place for counting was held not to constitute evidence of fraud. Volume **VI,** section **125.**

ELECTIONS OF REPRESENTATIVES—Continued.

(222) Evidence.—Of Conspiracy to Defraud.

Discussion as to the evidence required to prove a conspiracy to commit election frauds. Volume **II,** section **1052.** Volume **VI,** section **138.**

Discussion as to kind and quality of evidence needed to establish a general conspiracy against a ballot box in a district. Volume **II,** section **973.**

The kind and degree of evidence required to establish a conspiracy to defraud in a district. Volume **II,** section **1123.**

Forcible usurpation of county offices whereby the entire election machinery of the county was placed in the hands of one party in violation of law, with subsequent fraudulent acts, constituted evidence of a conspiracy. Volume **II,** section **1022.**

Evidence of a conspiracy of election officers to defraud may not be sustained by contradicted testimony of two or more persons who declare they saw more votes cast for contestant than were returned. Volume **II,** section **1025.**

Failure to give party representation on election boards, when the same is required by law and practicable, is evidence of conspiracy to defraud. Volume **II,** section **1025.**

Disregard of a law requiring party representation on election boards may contribute to establish conspiracy, but does not do so of itself. Volume **II,** section **974.**

A general plan of evasion of the law providing for boards of fair election officers, combined with attempts to prevent examination thereof, was considered proof of conspiracy to defraud. Volume **II,** section **1030.**

Upon proof of a conspiracy to defraud, the returns from the part of the district involved were rejected. Volume **VI,** section **138.**

Although sitting Member disclaimed knowledge of campaign expenditures in his behalf the House held he must be presumed to have had constructive knowledge of such expenditures. Volume **VI,** section **75.**

The degree and kind of testimony required to show a registration to be fraudulent, in connection with a conspiracy. Volume **II,** section **1123.**

A fraudulent registration was held to justify a conclusion that a conspiracy existed to perpetrate fraud in the election. Volume **II,** section **1128.**

An illegal destruction of ballots, but apparently done in good faith, was not held as evidence contributing to a charge of conspiracy. Volume **II,** section **1079.**

Although there may be evidence establishing a conspiracy to defraud, it is still necessary to show effects in order to change the result. Volume **II,** section **1025.**

Proof of a conspiracy to defraud may, but does not necessarily, require the returns to be rejected unless sustained by oral testimony. Volume **II,** section **1030.**

Although widespread frauds are shown in a district, yet contestant must show that they affect enough votes to change the result. Volume **II,** section **1040.**

No fraud being shown, a poll is not rejected because the ballot box does not contain as many votes as we are proved by oath of voters. Volume **I,** section **801.**

The fact that fewer votes were returned for contestant than for the head of his party ticket was held not to justify a conclusion of fraud. Volume **I,** section **737.**

The Elections Committee corrected a return wherein testimony of bystanders showed that partisan election officers had acted unfairly in drawing from the box an excess of ballots. Volume **II,** section **970.**

An election officer being detected in fraudulent acts, a return in due form signed by him and two unimpeached associates was not accepted as evidence of the vote cast. Volume **II,** section **914.**

Discussion of the weight of testimony of election officers as to their own acts when impeached by the evidence of illiterate voters. Volume **II,** section **1102.**

Failure of registrar to appear when summoned to explain charges of illegal registration does not prove the charges. Volume **II,** section **1084.**

ELECTIONS OF REPRESENTATIVES—Continued.

(223) Evidence.—Of Intimidation.

To justify the rejection of a poll for intimidation the evidence should be specific, not general. Volume **II,** section **891.**

General intimidation may not be proven solely by hearsay and general reputation without specific testimony of the voters. Volume **II,** section **987.**

Evidence of the unsworn declarations of voters as to their intimidation is hearsay and inadmissible. Volume **II,** section **943.**

In absence of evidence for whom a man voted or that he was improperly influenced the House declined to reject the vote because of a suspicious remark of the voter. Volume **II,** section **949.**

Rumors that certain employees have been intimidated are not considered in an election contest. Volume **II,** section **943.**

Common rumor of an indefinite amount of intimidation of workingmen by employers was disregarded by the House. Volume **II,** section **971.**

Argument that intimidation should be shown from testimony of persons affected thereby, and not from favoring conditions. Volume **II,** section **947.**

Evidence tending to show intimidation may be disproved by the ratio of votes cast to population. Volume **II,** section **891.**

The poll of a district in a prior year has been referred to in deciding upon the effect of a widespread system of intimidation. Volume **I,** section **331.**

Instance wherein returns of a former election were cited to corroborate proof of intimidation and fraud. Volume **II,** section **969.**

A comparison of the votes cast with the population may be admitted as bearing on the question of intimidation. Volume **II,** section **887.**

Although a parish in a region wherein intimidation might be expected showed a marvelous unanimity in the vote, the committee declined to reject the poll. Volume **I,** section **340.**

Disturbance at the polls does not, in the absence of specific evidence as to the effect of intimidation, justify rejection of the poll. Volume **II,** section **891.**

Employment for the purpose of controlling a vote, such object being known and acquiesced in by the voter, throws on the party naturally profiting the onus of proving that the vote was not influenced. Volume **II,** section **917.**

A question as to whether or not the House, from historic knowledge merely, may decide that the result of an election has been invalidated by intimidation. Volume **I,** section **327.**

A question as to whether an estimate of persons kept from the polls by a conspiracy to intimidate should have weight in determining the result. Volume **I,** section **622.**

As to the force of admissions by counsel during argument of an election case. Volume **II,** section **1130.**

Early instance wherein the Elections Committee heard arguments of the parties on the evidence. Volume **I,** section **782.**

The Elections Committee examined a question raised in the notice of contest, although it had not been insisted on in the arguments of contestant. Volume **II,** section **878.**

The Elections Committee at the outset of an investigation called on the claimants to state in writing the grounds of their respective claims. Volume **I,** section **792.**

Instance wherein leave was given to take further testimony and produce additional evidence after briefs had been filed and arguments heard. Volume **VI,** section **134.**

Having permitted without objection the reference of a contest to a committee of the House, and having taken testimony and presented argument on the merits of the contest, the sitting Member was held to have waived thereby any right to object to irregularities in the filing of the notice of contest. Volume **VI,** section **98.**

On a recount by the committee the question of rejecting ballots is properly passed when they are received in Washington and before recounting or at least when tabulated, and the motion comes too late after the record has been made and argument heard. Volume **VI,** section **172.**

ELECTIONS OF REPRESENTATIVES—Continued.

(224) Evidence.—In General.

Instance of refusal of sitting Member's request for leave to submit evidence. Volume **VI,** section **139.**

The House declined to consider statements of persons alleging an illegal denial of the right to vote but failing to submit evidence. Volume **VI,** section **122.**

A resolution directing county officials to produce election records, in effect a subpoena duces tecum, was accorded high privilege. Volume **VI,** section **181.**

A resolution to procure testimony in a contested election case is privileged when reported by a committee on elections, and is in order on Calendar Wednesday. Volume **VIII,** section **2276.**

Instance wherein the Elections Committee declined to order the production of ballots and decided the case as made up under the general law. Volume **I,** section **732.**

Instance wherein, by agreement of parties, evidence in an election case was taken under a State law. Volume **I,** section **810.**

Instance wherein the returned Member in an election case took no testimony. Volume **II,** section **1072.**

The law governing the service of notice by the party desiring to take a deposition in an election case. Volume **I,** section **697.**

In a city precinct, testimony that certain names on the poll lists are unknown to the witnesses does not justify an assumption that the voters are disqualified. Volume **II,** section **1001.**

The presumption arising from the fact of registration is not overthrown by the simple proof that the voters are students. Volume **II,** section **1080.**

As to the extrinsic evidence which sustains the sufficiency of the designation of the office on a ballot. Volume **II,** section **951.**

The name of a candidate being written wrongly on a ballot, the House examined testimony as to the intent of the voter. Volume **I,** section **641.**

Discussion as to the status of the ballots as evidence when the honesty of the election officers is impeached. Volume **II,** section **1043.**

Kind of proof accepted to prove votes additional to those returned for contestant at a precinct where his supporters were unable to read or write. Volume **II,** section **869.**

A vote admitted without presentation of required evidence at the polls is not validated by production of the evidence during the investigation. Volume **II,** section **979.**

Being unable to inspect a ballot the committee and House accepted the judgment of the election judges that it was intended for a blank. Volume **I,** section **776.**

Reference to practice of agreeing to questions of fact in contested election cases as liable to abuse. Volume **I,** section **525.**

The Elections Committee in determining prima facie right declined to open evidence relating to final right. Volume **I,** section **794.**

The question raised as to the right of the House to determine the rule as to evidence it will receive, even though State law and decisions are alleged to prescribe a rule. Volume **II,** section **1121.**

The Senate has decided that while discovery of new evidence might cause review of a decision in an election case, it should not for other reasons change a judgment once made. Volume **I,** section **564.**

The House having deducted from the returns the number of votes cast by qualified voters. Volume **I,** section **765.**

The House having corrected the returns by an ascertainment of the qualifications of certain voters seated the contestant in accordance with the findings. Volume **I,** section **767.**

It not being shown for whom a few paupers voted, the Elections Committee did not give the charge consideration. Volume **II,** section **1085.**

Instance of an election contest originated by sundry citizens. Volume **I,** section **555.**

ELECTIONS OF REPRESENTATIVES—Continued.

(224) Evidence.—In General—Coninued.

In extraordinary cases and where it appears that in no other way can the will of the voter be ascertained, resort to methods not technically legal may be justifiable. Volume **II,** section **1031.**

(225) Expenses of Contest.

Reference to the laws relating to payment of contestants and contestees in an election case. Volume **I,** section **676.**

The amount for which a party to an election case may be reimbursed for expenses is limited by law. Volume **I,** section **676.**

A party to an election case must file a detailed account and vouchers in support of this claim for expenses. Volume **I,** section **676.**

Payments for the expenses of either party to an election case may not be made by the House out of its contingent fund or otherwise. Volume **I,** section **677.**

Allowances for witness fees in an election case must be in strict conformity to section 128, Revised Statutes. Volume **I,** section **676.**

The law regulating the fees of witnesses and officers in the preparation of an election case. Volume **I,** section **706.**

The committee exercises its discretion as to the amount of fees allowed in contested-election cases. Volume **VI,** section **175.**

Allowance of contestant's attorney fees is not uniform, but each case is decided on its merits. Volume **VI,** section **117.**

No evidence having been produced to justify a contest, the committee recommended that no fees be allowed. Volume **VI,** section **101.**

The committee having reached the conclusion that the contestant was not acting in good faith in bringing the contest announced that it would decline to authorize payment of any expense incurred by the contestant therein. Volume **VI,** section **168.**

Early instance wherein compensation was voted to a contestant. Volume **I,** section **805.**

Appropriations for payment of expenses incurred in contested-election cases are in order on an appropriation bill when duly certified by Committee on Elections and not otherwise. Volume **VII,** section **1231.**

A proposition relating to the pay of a contestant for a seat is not a question of privilege. Volume **I,** sections **674, 675.**

(226) Governor.—Questions of Prima Facie Title Arising From Credentials Issued by.

Instance wherein the House, disregarding the certificate of the governor, ascertained prima facie right on the returns of the local offices. Volume **I,** section **794.**

A governor empowered by law to issue credentials may certify to his own election to the House. Volume **I,** section **619.**

Instance wherein, during the reconstruction period, credentials were issued to Members-elect by a military commander. Volume **I,** section **388.**

Neither the Clerk nor the House honored credentials issued by a lieutenant-governor, in the temporary absence of the governor, revoking regular credentials. Volume **I,** section **59.**

In making up the roll the Clerk disregarded entirely credentials issued by a person claiming to be governor but who never exercised the functions of that office. Volume **I,** section **60.**

Credentials regular in form and issued in accordance with law were honored by the House, although it appeared that the governor issuing them might be merely a de facto officer. Volume **I,** section **623.**

The House declined to give immediate prima facie effect to credentials when historic facts impeached the authority of the governor and the legality of the election. Volume **I,** section **519.**

In ascertaining prima facie title the governor should make intelligible an obscure return from the records of a returning board when said board has the functions of a court of a record. Volume **I,** section **582.**

ELECTIONS OF REPRESENTATIVES—Continued.

(226) Governor.—Questions of Prima Facie Title Arising From Credentials Issued by— Continued.

A county court charged by law with the duty of canvassing precinct returns may correct its returns by a supplemental certificate, which should be taken into account by the governor in issuing credentials. Volume **I,** section **581.**

The law requiring a return to "set forth in words at length" the number of votes, the governor, in awarding prima facie right, should construe an obscure word as a word in full, not an abbreviation. Volume **I,** section **582.**

A Delegate is elected by a plurality of votes and the governor is required to declare the election, in accordance with which a certificate is to be given. Volume **II,** section **1290.**

(227) Governor.—Issue of Writs of Election by, Especially to Fill Vacancies.

The executive of a State issues writs of election to fill vacancies in its representation in the House. Volume **I,** section **515.**

An election to fill a vacancy, called by the governor in pursuance of constitutional authority, was held valid, although no State law prescribed time, place, or manner of such election. Volume **I,** section **517.**

Discussion of power of a State executive to call an election to fill a vacancy, although the State law did not provide for the contingency. Volume **I,** section **518.**

Discussion as to the functions of a governor in calling an election to fill a vacancy in the Congressional representation. Volume **I,** section **312.**

Examination of the term "vacancy" as used in the Federal Constitution to empower a State executive to issue writs for an election. Volume **I,** section **518.**

The House, overruling its committee, declined to unseat a returned Delegate because in calling the election the governor had exercised doubtful authority. Volume **I,** section **766.**

The seat of a Delegate being declared vacant, the Speaker was directed to inform the governor of a Territory. Volume **I,** section **773.**

(228) Governor.—In General.

A Member having been inaugurated governor of his State was declared to have vacated his seat in the House coincident with his taking the oath as governor. Volume **VI,** section **65.**

Acceptance of the resignation of a Member of the House is unnecessary and the refusal of a governor to accept a resignation can not operate to continue membership in the House. Volume **VI,** section **65.**

The resignation of a member may be addressed either to the House or to the Governor of the State from which returned. In which latter event the House is advised by the Member or the Governor. Volume **VII,** section **2170.**

The Speaker having been elected Vice President and a Member of the succeeding Congress at the same election, transmitted to the governor of his State his resignation as a Member elect. Volume **VI,** section **230.**

Mr. Speaker Garner, having been elected simultaneously to the Vice Presidency and to Membership in the next Congress, transmitted to the Executive of his State his resignation as a Member elect of the Seventy-third Congress. Volume **VI,** section **453.**

The resignation of a Member, whether presented to the governor of the State or to the Speaker of the House, becomes immediately effective and may not be withdrawn. Volume **VI,** section **65.**

The executive of a State sometimes informs the House that he has received the resignation of a Member. Volume **VI,** section **232.**

(229) Irregularities in Holding Elections.—Opening and Closing Polls.

Votes received before the election board was legally organized were rejected. Volume **II,** section **1044.**

Votes taken before the legal hour for opening the polls by officers having fraudulent intent are valueless. Volume **II,** section **874.**

ELECTIONS OF REPRESENTATIVES—Continued.

(229) Irregularities in Holding Elections.—Opening and Closing Polls—Continued.

Votes cast before the hour provided by law for opening of polling places should not be counted. Volume **VI,** section **113.**

An election being opened after the legal hour and evidence showing only half the registration as voting, the poll was rejected, although essential harm was not shown. Volume **II,** section **953.**

Polls being illegally closed, the House took into account the injury resulting to contestant thereby. Volume **II,** section **970.**

There being no evidence that either party had suffered especial harm, the House did not count votes excluded by closing the polls, although negligence of election officers was alleged. Volume **II,** section **1088.**

The Elections Committee declined to ratify the rejection of a poll because it had been closed too early, no injury being shown. Volume **II,** section **983.**

The State law requiring the polls to be open from "sunrise to sunset" and the polls being closed at sunset and then reopened, the votes cast after sunset were rejected. Volume **II,** section **872.**

Votes cast at an election adjourned beyond the time permitted by law were rejected. Volume **I,** section **783.**

A sheriff having adjourned an election for a reason not specified as a cause of adjournment, the Elections Committee rejected votes cast after such adjournment. Volume **I,** section **769.**

Although the State law forbade temporary closing of a poll on penalty of vitiating the election, yet the harmless act of suspending voting while the officers dined was overlooked. Volume **II,** section **866.**

Although the State law declares that no election shall be invalid by failure to have party representation on boards of election officers, the House will reject the returns where fraud accompanies the irregularity. Volume **II,** section **1099.**

No fraud being shown, the House sustained the election returns, although a de facto election officer of partisan bias and irregular conduct officiated a portion of the time. Volume **II,** section **878.**

An election officer appointed without authority of law was held not to be an officer de facto. Volume **II,** section **884.**

An election officer who was removed, but not notified of the fact, and whose successor failed to qualify, was a de facto officer, and returns signed by him were not properly rejected. Volume **I,** section **603.**

An election is not vitiated by failure to observe a directory law that the ballots shall be returned within a given time. Volume **I,** section **781.**

The removal of the poll from the place prescribed by law was a violation of a mandatory provision, justifying its rejection. Volume **II,** section **926.**

It is a dangerous step to disfranchise a precinct because election officers have failed to take the required oath. Volume **II,** section **1036.**

No fraud or injury being alleged, the Elections Committee declined to reject a poll because of neglect of the election officers to take the required oath. Volume **I,** section **770.**

Failure of election officers to be sworn, no fraud damaging to the petitioner being shown, was apparently considered not sufficient to justify rejection of the returns. Volume **I,** section **778.**

Although only one of the three election officers was sworn, the House overruled the State canvassers and counted the vote as cast. Volume **II,** section **1014.**

Failure to swear the election officers, combined with other irregularities, was, by a divided committee, held not to require rejection of the poll, actual fraud not being shown. Volume **II,** section **904.**

The neglect of the officer conducting the poll to take the required oath is ground for rejecting the poll. Volume **I,** section **782.**

ELECTIONS OF REPRESENTATIVES—Continued.

(229) Irregularities in Holding Elections.—Opening and Closing Polls—Continued.

It is presumed that election officers who are partisans of the objecting party have not intentionally erred against his interest. Volume **II,** section **922.**

The Elections Committee felt bound to follow a State law as it stood, although inadequate to secure honesty from election officers. Volume **II,** section **967.**

The admission to naturalization being the function of a judge, a performance of this function by a clerk is void. Volume **II,** section **992.**

The record of a court of naturalization sufficiently establishes citizenship, even though it be alleged that the certificate of the fact has not been issued regularly. Volume **I,** section **472.**

The House considered the constitution and laws of the State in which the election was held as affording the rule by which irregularities should be tested. Volume **I,** section **54.**

An election officer having acted colore officii without objection from any claimant, the Elections Committee declined to inquire if he had been appointed properly. Volume **I,** section **782.**

There being doubt as to the regularity of the appointment of an election judge, the committee rejected the votes cast while he officiated, but the House reversed the ruling. Volume **I,** section **55.**

Although irregularly chosen, an election officer was regarded as a de facto officer whose acts were valid. Volume **II,** section **1014.**

Although de facto officers presided and returns were transmitted unsealed by an unauthorized person the House did not reject the return. Volume **II,** section **912.**

An investigation showing for sitting Member a majority, the House declined to vacate the seat because certain irregularities (not frauds) suggested that further inquiry might change the result. Volume **I,** section **783.**

The House declined to reverse a return on the possibility but not the probability that the voters of two towns accidentally not included in the notice of election might have changed the result had they voted. Volume **I,** section **761.**

A failure of the canvassing board to meet within the time required by law, being satisfactorily explained, was held by the House not to affect the Member's title. Volume **I,** section **764.**

The House declined to declare a seat vacant in a case wherein unsatisfactory proof of contestant's election was reinforced by bad conduct of election officers favorable to contestee. Volume **II,** section **875.**

The House declined to declare a seat vacant on hearsay evidence as to general bribery and irregularities. Volume **II,** section **1001.**

Irregularities unaccompanied by fraud do not vitiate the return. Volume **II,** section **912.**

Discussion of directory and mandatory laws as related to irregularities in conduct of elections. Volume **I,** section **807.**

Irregularities, found to be infractions of directory provisions of law, do not justify rejection of the poll. Volume **II,** section **925.**

The major part of the votes in a district being honestly given and duly canvassed, the person having a plurality of such major part was held to be elected. Volume **I,** section **759.**

In an early election case the House, having ascertained great irregularities, unseated the returned Member, but did not seat contestant. Volume **I,** section **709.**

Improper acts by a candidate's friends, without his participation, are of effect only so far as they are shown to have actually affected the result. Volume **II,** section **944.**

The fact that votes proven to have been cast by testimony of the voters do not appear in the count does not vitiate an election when not numerous enough to affect the result appreciably. Volume **II,** section **1110.**

The mere existence of frauds and irregularities does not vitiate an election, if not shown to be sufficient to change the result. Volume **II,** sections **1118, 1127.**

ELECTIONS OF REPRESENTATIVES—Continued.

(229) Irregularities in Holding Elections.—Opening and Closing Polls—Continued.

Although extensive frauds and irregularities were shown, the failure to show that the official return was overcome caused the House to confirm countestee's title. Volume **II,** section **1101.**

The House does not change the returned result of an election because of frauds and irregularities unless they be sufficient to change the result. Volume **I,** section **643.**

Unfair conduct on the part of election officers and suspicious circumstances do not justify overturning a majority not destroyed by testimony. Volume **II,** section **1119.**

Contestant's evidence being too indefinite to establish his case, the House confirmed the title of sitting Member although irregularities in the election were evident. Volume **I,** section **651.**

Only one legally appointed election officer presiding, and the voting being interrupted by disorder, the poll was rejected. Volume **II,** section **1015.**

An informal poll held by one election officer instead of three, and irregularly conducted, was rejected. Volume **II,** section **1015.**

Voters may not be deprived of their ballots by the neglect of regularly qualified managers to qualify and act. Volume **II,** section **1074.**

The law requiring the presence of the sheriff at the voting, the committee rejected votes cast in his absence, but the House reversed this ruling. Volume **I,** section **54.**

Returns are not vitiated simply because election officers lack certain qualifications required by law. Volume **II,** section **1085.**

One of the election judges being disqualified by law to act as judge, the returns were rejected. Volume **II,** section **866.**

When the law forbids a candidate to be an election officer, is a poll for Congressman void because a candidate for a local office is such officer? Volume **II,** section **1049.**

Shall the fact that judges of election are not freeholders, as required by law, impair their acts as de facto officers? Volume **II,** section **888.**

Participation of relatives of a contestant as election officers was not held fatal to the return, although the State constitution might seem to imply a prohibition of such participation. Volume **I,** section **778.**

Election officers who have not taken the required oath are still de facto officers and their acts are valid. Volume **II,** section **1085.**

The House took into account the loss occasioned by failure of election officers to open a poll at a regular polling place. Volume **II,** section **970.**

Where a true expression of the intention of qualified voters is had at an improvised poll the votes will be counted by the House. Volume **II,** section **1074.**

Where no law requires the use of only one ballot box at a voting precinct the use of two does not justify rejection of the return. Volume **I,** section **681.**

The use of several ballot boxes, with alleged object of defeating the purpose of the Federal inspection law, did not cause rejection of the returns. Volume **II,** section **897.**

Although election officers left the ballot box unguarded while adjourned for dinner, the returns were not rejected in the absence of evidence of fraud. Volume **II,** section **912.**

(230) Irregularities in Holding Elections.—Failure to Open Polls.

Where polls are not opened, even on frivolous excuses, it is difficult to correct the wrong. Volume **II,** section **1094.**

Where an election is not held, although there be no sufficient excuse for the failure, the House is reluctant to allow votes for either party. Volume **II,** section **1116.**

Judges of election not appearing and the voters neglecting to choose others, the House declined to take into account the preferences of the said voters. Volume **II,** section **938.**

With no proof of show what the vote might have been, the House did not attempt to rectify the wrong caused by failure of election officers to open polls. Volume **II,** section **1023.**

ELECTIONS OF REPRESENTATIVES—Continued.

(230) Irregularities in Holding Elections.—Failure to Open Polls—Continued.

The Elections Committee declined to consider the failure of election officers to hold the elections in certain precincts when it was not shown that either party was deprived thereby of votes to which he was entitled. Volume **II,** section **1132.**

The abolition of certain polling places, whereby it was rendered impossible for many voters to cast their ballots was held not to justify the addition of votes to the returns of the candidates injured thereby. Volume **I,** section **626.**

The House declined to order a new election because of a failure to open polls at a few places in a district, neither party being shown to be responsible therefor. Volume **II,** section **1015.**

The House took into account the loss occasioned by failure of election officers to open a poll at a regular polling place. Volume **II,** section **970.**

Failure to hold an election in two townships, no reason being ascertained for such failure, did not affect the general result. Volume **II,** section **937.**

The House declined to reverse a return on the possibility but not the probability that the voters of two towns accidentally not included in the notice of election might have changed the result had they voted. Volume **I,** section **761.**

Notices of election having failed to reach two towns in a district and no votes being cast in those towns, the House declined to affirm sitting Member's title without direct evidence as to the number of voters in the towns. Volume **I,** section **761.**

Where a voter offered his tickets in a bundle and lawfully requested that the election officers deposit them in the proper boxes, the House rejected the poll because the election officers declined so to do. Volume **II,** section **1089.**

Because the officer who assists illiterates to mark their ballots takes a narrow and technical view of his duties under the law does not justify rejection of the poll. Volume **II,** section **1080.**

Discussion as to counting votes which would have been cast had there not been a failure to open the polls. Volume **II,** section **1019.**

No legal notice of election at a certain precinct being given, the poll was rejected by the committee, although the day of election was fixed by law. Volume **I,** section **617.**

(231) Irregularities in Holding Elections.—Use of Ballot Boxes.

As to the use of tin buckets instead of the "ballot boxes" prescribed by law. Volume **II,** section **1090.**

No law preventing the use of more than one ballot box at a precinct, the use of three did not justify rejection of the poll in the absence of proof of harm therefrom. Volume **II,** section **1054.**

No law preventing the use of more than one ballot box at a precinct, the use of several did not justify rejection of the poll in the absence of proof of harm therefrom. Volume **II,** section **1096.**

A shifting of numerous ballot boxes, done to deceive the voter, was held to be unlawful though not forbidden by law. Volume **II,** section **1034.**

A mere technical violation of the law as to custody of the ballot box, no injury being shown to anyone, does not justify rejection of the poll. Volume **I,** section **584.**

(232) Irregularities in Holding Elections.—In General.

Irregularities in the conduct of an election do not in themselves justify rejection of a poll. Volume **II,** section **1081.**

Irregularities insufficient to change the result of the election do not justify a contest. Volume **VI,** section **111.**

The voters are not to be disfranchised by any neglect of the officers after the election if the correct vote can be ascertained. Volume **II,** section **1031.**

Voters who have performed fully their own duty as to registration are not to be disfranchised because of defects in the lists caused by establishment of new voting places. Volume **II,** section **1044.**

ELECTIONS OF REPRESENTATIVES—Continued.

(232) Irregularities in Holding Elections.—In General—Continued.

An election is not vitiated by unavoidable delay beyond the legal limit in arranging voting districts. Volume **II,** section **1110.**

Where a true expression of the intention of qualified voters is had at an improvised poll the votes will be counted by the House. Volume **II,** section **1074.**

Where the voters of one party left the polls for no just cause, the House counted the returns of the election held by the other party. Volume **II,** section **1116.**

Two companies of soldiers having voted together, where the law required a separate poll for each, the vote was counted on testimony showing honesty and fairness in the proceedings, the law forbidding rejection for mere informalities. Volume **I,** section **557.**

The premature opening of official ballots and failure to post cards of instruction at the polls do not vitiate an election held properly in other respects. Volume **II,** section **1110.**

A requirement of law that the number of votes given shall be "set down in writing" on the poll book is fulfilled by the use of numerals. Volume **I,** section **773.**

The House declined to overrule the election officers who counted votes of electors assisted in marking without taking the required preliminary oath. Volume **II,** section **1070.**

The State law requiring rejection of the vote in the case of voters assisted in marking ballots without making an affidavit of disability, the House overruled the election officers who counted such ballots. Volume **II,** section **1056.**

The law forbidding a voter to reenter the polling booth, may one who failed in attempting to vote return to effect the object? Volume **I,** section **576.**

Handling of the ballots by an unauthorized person does not invalidate the poll in the absence of evidence showing harm therefrom. Volume **II,** section **1054.**

Handling of the ballots by parties other than the officers does not necessarily cause rejection of the poll. Volume **II,** section **1049.**

A small excess of votes in the box over names on the poll list does not justify rejection of a poll, no fraud being shown. Volume **II,** section **878.**

Votes cast at precincts established in violation of election laws are illegal and should be rejected. Volume **VI,** section **114.**

Although compilation of lists of registered voters was required by State law, the mere absence of names of voters from these lists was not considered sufficient grounds for holding such voters unqualified or their votes illegal. Volume **VI,** section **188b.**

Although the court refused to appoint challengers for both parties as required by law, and challengers attempting to serve were driven from the polls, the absence of challengers is not of itself sufficient to establish fraud. Volume **VI,** section **134.**

A penalty is provided against interference by military or naval force in the exercise of the right of suffrage and conduct of elections.Volume **I,** section **514.**

A Federal law provides a penalty against armed interference of Federal troops at an election. Volume **I,** section **513.**

The House will not, on pretence that a class of voters are unconstitutionally prevented from voting, count the votes of persons not shown individually to have attempted or desired or been qualified to vote. Volume **II,** section **1132.**

No wrong or injury being shown, polling places established without entire adherence to the law were approved. Volume **II,** section **994.**

Instance wherein a law providing method of establishing polling places was construed as directory rather than mandatory. Volume **II,** section **994.**

An election district being established illegally, but all parties participating in the election in good faith is considered as having a de facto existence. Volume **II,** section **893.**

County commissioners having established election districts at a special meeting when the law specified a stated meeting, the action was void. Volume **II,** section **911.**

Returns from a precinct not by a law a part of the district were rejected. Volume **I,** section **840.**

ELECTIONS OF REPRESENTATIVES—Continued.

(232) Irregularities in Holding Elections.—In General—Continued.

The State legislature in fixing the place of election may condition the place on the movements of soldier voters. Volume **II,** section **856.**

The charge that an election officer was not legally chosen not being fully established, the committee declined to reject the poll. Volume **I,** section **800.**

No fraud or injury being shown, the proper acts of an unqualified or unauthorized election officer do not vitiate the poll. Volume **I,** section **811.**

No legal notice of election at a certain precinct being given, the poll was rejected by the committee, although the day of election was fixed by law. Volume **I,** section **617.**

Time and place of an election being fixed by law, the failure of officials to give a required notice was held not to justify rejection of the returns. Volume **II,** section **966.**

The House, overruling its committee, declined to unseat a returned Delegate because, in calling the election, the governor had exercised doubtful authority. Volume **I,** section **766.**

(233) Judging.—House's Prerogative of.

The House is the judge of the elections, returns, and qualifications of its own Members Volume **I,** section **634.**

The jurisdiction of the House of Representatives over election matters is limited to the constitutional right to judge election returns and qualifications of its own Members, and does not extend to elections in general. Volume **VI,** section **136.**

No statute can interfere with the provision of the Constitution making each House of Congress the judge of the qualification and election of its own Members. Volume **VI,** section **98.**

In determining an election case the House is not limited to the powers of a court of law but possesses all the functions of a court of equity. Volume **VI,** section **94.**

The authority of the House to judge the elections and qualifications of its Members is infinite and in no way circumscribed by State statutes or the decisions of State courts. Volume **VI,** section **143.**

The power of the House to examine ballots and correct returns is inherent but should be exercised only after the official returns have been discredited. Volume **VI,** section **143.**

The House has the same authority to determine the right of a Delegate to his seat that it has in the case of a Member. Volume **I,** sections **423, 772.**

An opinion of an elections Committee that the House may not delegate to another tribunal its constitutional duty of judging the elections of its own Members. Volume **I,** section **608.**

Discussion of the distinction between the power to judge of the elections, returns, and qualifications of the Member, and the power to expel. Volume **I,** section **469.**

Disscussion of the powers of the Senate under the constitutional authority to judge the elections and returns of its Members. Volume **I,** section **352.**

The House in the Fifty-eight Congress declined to investigate the election of a Delegate to the Fifty-ninth Congress. Volume **I,** section **652.**

Discussion as to the applicability of English decisions to American election cases. Volume **II,** section **988.**

The courts of a State have nothing to do with judging the elections, qualifications, and returns of Representatives in Congress. Volume **II,** section **959.**

A committee of the House in passing on an election contest expressed disapproval of the course of the contestant in applying to local courts when Congress was in session. Volume **VI,** section **187.**

Instance wherein a Federal court issued a temporary restraining order enjoining contestant from further proceeding in an election case. Volume **VI,** section **100.**

Instance wherein the House reversed the ruling of a United States Federal District Court. Volume **VI,** section **147.**

ELECTIONS OF REPRESENTATIVES—Continued.

(233) Judging.—House's Prerogative of—Continued.

In the absence of fraud the failure of election officers to be sworn does not vitiate the return. Volume **I,** sections **584, 770, 778, 807, 810.** Volume **II,** section **1014, 1036, 1049, 1058.**

Failure of the judges of an election to take the required oath was held to vitiate the return. Volume **I,** section **831.**

It not being shown that the law required a record of the qualification of an election officer, the committee declined to assume, from absence of the record, that he was not qualified. Volume **I,** section **618.**

In a case wherein a contestant appeared, after a determination of final right to a seat by the House, the sitting Member was unseated and a vacancy declared. Volume **I,** section **518.**

The Senate has decided that while discovery of new evidence might cause review of a decision in an election case, it should not for other reasons change a judgment once made. Volume **I,** section **564.**

Discussions and decisions of the Senate as to the doctrine of res adjudicata as applied to election cases. Volume **I,** sections **344, 357, 629.**

In 1791 the House declined to admit as evidence in an election case official State papers under seal. Volume **I,** section **709.**

The House has declared that an election committee should act as a judicial body according to the rules of law. Volume **I,** section **635.**

An early instance where partisan bias was charged against the elections committee. Volume **I,** section **795.**

Instance of the seating of a contestant belonging to the party in minority in the House. Volume **II,** section **891.**

Where the intent of the voter was not in doubt the House followed the rule of the Kentucky court and declined to reject a ballot because not marked strictly within the square required by the State ballot law. Volume **II,** section **1121.**

(234) Judging.—House not Bound by the Statute as to Contests.

The law of 1851, regulating the conduct of contests in election cases, is not of absolute binding force on the House, but rather a wholesome rule not to be departed from except for cause. Volume **I,** section **597.**

It was conceded in 1858 that the House was not necessarily bound by the law of 1851 in judging the elections, returns, and qualifications of its Members. Volume **I,** section **833.**

In 1856 the idea was advanced that the House was not bound to proceed in an election case according to the law of 1851. Volume **I,** section **825.**

Discussion of the principle that the House is not bound by any statute in exercising its prerogative of judging the elections of its Members. Volume **I,** section **713.**

A discussion as to the owner of the House to disregard the provisions of the law governing election contests. Volume **I,** section **726.**

Discussion as to the extent to which the House is bound by the technical law as to taking evidence in an election case. Volume **II,** section **1122.**

While not bound by the laws governing procedure in election cases, the House does not unnecessarily disregard them. Volume **I,** section **719.**

The House by resolution may modify the law as to the times and places of taking testimony in contested election cases. Volume **I,** section **600.**

The House may by resolution modify the legal requirements for taking testimony in an election case. Volume **I,** section **449.**

The law governing the service of notice of contest may be departed from in a case where its observance is impracticable. Volume **I,** section **327.**

Instance wherein the House by resolution removed the contested election cases of a State from the operation of the law and prescribed a different procedure. Volume **I,** section **330.**

ELECTIONS OF REPRESENTATIVES—Continued.

(234) Judging.—House not Bound by the Statute as to Contests—Continued.

In 1858 the House deemed insufficient reasons urged by a contestant for proceeding in a manner different from that prescribed by the law of 1851. Volume **I,** section **833.**

For exceptional reasons the House may authorize an election case to be made up as to notice and answer after the time prescribed by law. Volume **I,** section **680.**

Form of resolution providing for notice and answer in election case after expiration of time prescribed by law. Volume **I,** section **680.**

Form of resolution providing for serving notice and taking testimony in an election case conducted in disregard of the terms of the law. Volume **I,** section **598.**

Instance of an inquiry into a Member's title to his seat by the elections Committee under authority of general investigations. Volume **I,** section **764.**

Form of resolution instructing a committee to inquire either as to prima facie or final title to a seat. Volume **I,** section **523.**

(235) Judging.—House's Function as Related to State Law.

Discussion of the House's right to judge of the elections and returns of its Members, as related to State laws. Volume **I,** section **637.**

The House considered the constitution and laws of the State in which the election was held as affording the rule by which irregularities should be tested. Volume **I,** section **54.**

The House in judging on elections, returns, and qualifications should, by reason of the functions delegated to the States, be governed by certain State laws. Volume **I,** section **822.**

In construing State election laws not construed by the State courts the elections Committee should recommend such construction as to give full effect to the clear intent of the legislature. Volume **II,** section **1056.**

Is the House in its function of judging elections to be precluded by an arbitrary State law from determining the intent of the voter? Volume **II,** section **1078.**

Although the intent of the voter be entirely plain, the House will follow a State law, arbitrary but mandatory, which requires rejection of the ballot. Volume **II,** section **1078.**

The House in determining its election cases passes on the validity of State laws under State constitutions. Volume **II,** section **1011.**

The House decided that it might investigate all matters pertaining to the election of a Delegate, including the constitution of the legislature which provided for the election. Volume **I,** section **826.**

The Senate has entertained no doubt of its right to look behind the credentials given by a governor to the facts of the election. Volume **V,** section **5963.**

Having determined that a returned Member has subjected himself to the penalties of a State election law necessitating his ousting from office, the House held he was not entitled to his seat. Volume **VI,** section **80.**

The House in adjudicating contested-election cases is not bound by State statutes prescribing details of election procedure. Volume **VI,** section **177.**

Where acts violative of the provisions of a State constitution do not appear to have changed the result, the House is not justified in declaring the seat vacant. Volume **VI,** section **155.**

Failure to enforce the provisions of a State constitution, when acquiesced in by candidates and electors without heinous circumstances or injustice and without effect in altering the result, does not of itself suffice to vitiate the election. Volume **VI,** section **155.**

The election laws of a State are assumed to be valid and constitutional until tested and declared otherwise by a proper tribunal. Volume **VI,** section **127.**

The Supreme Court, and not Congress, is the proper tribunal to determine the constitutionality of a State's election system. Volume **VI,** section **128.**

It is not the policy of the House of Representatives to pass upon the validity of State election laws alleged to be in conflict with the State constitution. Volume **VI,** section **151.**

ELECTIONS OF REPRESENTATIVES—Continued.

(235) Judging.—House's Function as Related to State Law—Continued.

Where the State law specifically required rejection of a ballot whereof the scratching of a name failed to mark two-thirds thereof the House approved rejection. Volume **II,** section **1078.**

The House should not count a bribed vote, although no State law may require its rejection. Volume **II,** section **1125.**

Although the State law declares that no election shall be invalid by failure to have party representation on boards of election officers, the House will reject the returns where fraud accompanies the irregularity. Volume **II,** section **1099.**

The House is not confined to the conclusions of returns made up in strict conformity to State law, but may examine the votes and correct the returns. Volume **I,** section **774.**

The certificate of a State executive, issued in strict accordance with State law, does not prevent examination of the votes by the House and a reversal of the return. Volume **I,** section **637.**

The House can not be precluded from going behind the returns by the fact that a State law gives canvassers the right to reject votes for fraud or illegality. Volume **II,** section **887.**

Election officers having omitted the word "junior" in returning the vote of a candidate in two towns, the House seated the candidate on finding that the error had affected the result decisively. Volume **I,** section **648.**

Votes of paupers were rejected, although the attorney-general of the state had given an opinion that they were legal voters therein. Volume **II,** section **876.**

Where the State prescribes the manner of election may the House disregard an arbitrary State law which denies expression to the voter's intent? Volume **II,** section **1078.**

A notary taking testimony in an election case under the Federal law has jurisdiction within the district, although State law may restrict his functions to a county. Volume **II,** section **1064.**

The House may canvass the returns and declare the result, although the required State canvass may not have been made. Volume **II,** section **1087.**

A question as to how far the House in counting votes is bound by the requirements of the State law. Volume **I,** section **577.**

The House considered the constitution and laws of the State in which the election was held as affording the rule by which irregularities should be tested. Volume **I,** section **54.**

The Elections Committee felt bound to follow a State law as it stood, although inadequate to secure honesty from election officers. Volume **II,** section **967.**

No fraud being alleged, the House counted returns transmitted in an unsealed package, although the State law required the package to be sealed. Volume **I,** section **774.**

Where the State law specifically required rejection of a ballot whereof the scratching of a same failed to mark two-thirds thereof the House approved rejection. Volume **II,** section **1078.**

A mandatory State law providing in effect that the writing of the name of one candidate under the unscratched name of another should make the ballot void, the House did not count the vote. Volume **II,** section **1009.**

The House reviewed and reversed the decision of election officers in admitting a ballot not conforming to the State law. Volume **I,** section **775.**

The House followed a State law in rejecting ballots folded together, but considered evidence tending to show fraud before doing so. Volume **I,** section **776.**

A question as to whether the House should reject votes for irregularities not sufficient to cause their rejection under State law. Volume **I,** section **759.**

The House deducted an excess of ballots proportionately, although the State law did not justify bringing them into the count. Volume **II,** section **992.**

The House should not count a bribed vote, although no State law may require its rejection. Volume **II,** section **1125.**

ELECTIONS OF REPRESENTATIVES—Continued.

(235) Judging.—House's Function as Related to State Law—Continued.

Although the State law declares that no election shall be invalid by failure to have party representation on boards of election officers, the House will reject the returns where fraud accompanies the irregularity. Volume **II,** section **1099.**

(236) Judging.—House Ordinarily Defers to Construction of State Law by State Courts.

In judging elections, qualifications, and returns of Representatives in Congress, the House does not consider itself bound by constructions placed upon State laws by the Courts of the State. Volume **VI,** section **58.**

While the House has often signified willingness to recognize constructions placed upon State laws by State tribunals, the decisions of State courts are not necessarily binding upon the House and will be accepted only when commending themselves to favorable consideration. Volume **II,** section **143.**

The election laws of a State are followed by the House, which is influenced in its construction of such statutes by well-considered decisions of the State courts. Volume **VI,** section **79.**

Decision of highest court of a State on construction of a State statute should be binding on the House. Volume **I,** section **574.**

The House should be governed by the construction given to a State law by the supreme court of the State. Volume **II,** section **1048.**

After examination of precedents the Committee on Elections and the House followed the interpretation of a State law given by the highest court of the State. Volume **I,** section **645.**

Discussion as to the binding effect on the House of the decision of a State court as to a State law. Volume **II,** section **1042.**

As to the duty of the House in an election case to follow the judgment of a State court rather than their own precedents. Volume **II,** section **1041.**

Discussion of the doctrine that the House should follow decisions of the State courts construing the election laws of a State. Volume **I,** section **731.**

Discussion as to the nature of a judicial construction of a State law bearing on the duty of the House to accept it in an election case. Volume **II,** section **1002.**

In construing a State ballot law the House followed the principle enunciated by the State supreme court as to giving effect to the voter's intent. Volume **II,** section **1069.**

Ordinarily a decision of the State supreme court that the State election law is constitutional is held conclusive by the House. Volume **II,** section **1071.**

Extent to which the House in an election case should defer to decision of a State court that a State law is void. Volume **II,** section **856.**

The House of Representatives does not pass upon matters of policy in the conduct of elections or questions relating to the validity of State laws, and such questions should be addressed to the legislative department of the State government or adjudicated in the State courts respectively. Volume **VI,** section **150.**

In the absence of Federal legislation on the subject, the legality of State primaries is governed by the State statutes and general principles of law as declared in judicial decisions. Volume **VI,** section **188a.**

Following the supreme court of the State the House counted a ballot marked as to two party columns, one of which did not contain the name of a candidate for Congress. Volume **II,** section **1069.**

Where the intent of the voter was not in doubt the House followed the rule of the Kentucky court and declined to reject a ballot because not marked strictly within the square required by the State ballot law. Volume **II,** section **1121.**

The House will count the votes of electors denied their right of suffrage by a registration law which it deems unconstitutional and not passed on by the State courts. Volume **II,** section **1075.**

Instance wherein the House determined that a state registration law was obnoxious to the State constitution. Volume **II,** section **1126.**

ELECTIONS OF REPRESENTATIVES—Continued.

(236) Judging.—House Ordinarily Defers to Construction of State Law by State Courts— Continued.

The House, overruling its committee, declared the seat vacant in a case wherein thousands of voters were kept from the polls by what it deemed an unconstitutional registration law. Volume **I,** section **1126.**

Where an unconstitutional State law disfranchises a large class the House prefers to measure the wrong rather than declare a vacancy. Volume **I,** section **1075.**

Although a State law prescribed a qualification obnoxious to the State constitution, the House held the law constitutional in deference to the decision of the State court. Volume **I,** section **1051.**

The courts of a State have nothing to do with judging the elections, qualifications, and returns of Representation in Congress. Volume **II,** section **959.**

A decision by a State court after the entitled that contestant name, which had appeared in the independent column, was entitled to place in the regular party column was held not to affect the election, nor deception of the voters having occurred. Volume **II,** section **1106.**

Although a State returning board had been declared the legal one by the State supreme court the House disregarded its canvass, the fact being notorious that it never had possession of the returns. Volume **I,** section **624.**

The House declined to be bound by a decision of a State court on an analogous question, but not the identical question of qualifications of voters. Volume **II,** section **909.**

In an election case the decision of a State supreme court in a cause to which the contestants were not parties was not received as evidence. Volume **I,** section **708.**

The House declined to admit as evidence in an election case the decision of a State impeachment court on a related subject. Volume **I,** section **609.**

May a notary, acting under the authority of the law of 1851, require the production of ballots against the injunction of the State court? Volume **II,** section **1070.**

(237) Judging.—Where House Does Not Defer to Decisions of State Courts.

Decisions of State tribunals are not binding on Congress for the reason that State election laws are made Federal laws by the Federal Constitution. Volume **I,** section **91.**

The House in deciding a Federal election case, acts in the capacity of a court and is not bound by decisions of State courts unless such decisions are founded upon sound principles and comport with reason and justice. Volume **VI,** section **91.**

Neither Congress nor its committees is bound by act of a State judge in a contested election case. Volume **VI,** section **187.**

The authority of the House to judge the elections and qualifications of its Members is infinite and in no way circumscribed by State statutes or the decisions of State courts. Volume **VI,** section **143.**

The House does not consider itself necessarily bound by the construction which a State court puts on the State law regulating times, places, manner, etc. Volume **II,** section **959.**

In a contested election case involving alleged fraud by election judges the acquittal of those judges in the courts is not an adjudication binding on the House. Volume **II,** section **1019.**

The question raised as to the right of the House to determine the rule as to evidence it will receive even though State law and decisions are alleged to prescribe a rule. Volume **II,** section **1121.**

Should the House defer to a decision of a State court applicable to the cause in issue as to its reasoning but analogous as to facts? Volume **II,** section **996.**

Discussion of the theory that State election laws are Federal laws for Congressional elections and that constructions by State courts must yield to the precedents of the House if there be conflict. Volume **II,** section **1105.**

ELECTIONS OF REPRESENTATIVES—Continued.

(237) Where House Does Not Defer to Decisions of State Courts—Continued.

A committee denied the binding effect on the House of a decision of a Territorial court on a question of fact concerning the qualifications of a Delegate. Volume **I,** section **423.**

The House declined to be bound by a decision of a State court on an analogous question, but not the identical question of qualification of voters. Volume **I,** section **909.**

In an election case the decision of a State supreme court in a cause to which the contestants were not parties was not received as evidence. Volume **I,** section **608.**

(238) Judging.—Construction of State Law by State Officers.

An opinion that the House in construction of a State law should follow the construction given by the proper State officers. Volume **I,** section **521.**

In electing a Senator the State legislature acts under authority of the Federal Constitution, and a State constitution and laws conflicting therewith are void. Volume **I,** section **632.**

Discussion as to the retroactive effect of the schedule of a new State constitution whereby a date for election of Congressman was fixed. Volume **I,** section **522.**

The House declined to invalidate an election because a State constitution had established qualifications of voters in disregard to reconstruction legislation. Volume **II,** section **1134.**

Discussion of the force to be given by the House to a construction by the proper State officials of a State law fixing the time for electing Congressmen. Volume **I,** section **525.**

A question as to the authority of a construction of law by State officials and people in a case relating to time of electing Congressmen. Volume **I,** section **524.**

(239) Notice of Contest.—Time of Serving.

A person proposing to contest the election of a Member serves notice within thirty days after determination of the result. Volume **I,** section **678.**

A question as to what constitutes a "determination of the result" of an election under the terms of the law of 1851 relating to notice of contest. Volume **I,** sections **597, 862, 884, 992.**

An Elections Committee has ruled that the determination of result contemplated by the law governing notice of contest is not reached until returns have been compared or certified as required by law. Volume **I,** section **425.**

A notice of contest served within thirty days of the issuance of the governor's proclamation was held sufficient, although the proclamation was not issued within the time prescribed by law. Volume **I,** section **38.**

A contestant may serve more than one notice of contest, provided that each notice be served within the required time. Volume **I,** section **839.**

A second notice of contest served after the expiration of the time fixed by law was disregarded. Volume **II,** section **855.**

The service of notice of contest at the residence is sufficient compliance with the law. Volume **I,** section **337.**

The House sometimes authorizes a contestant to serve an amended or supplemental notice of contest after the expiration of the time fixed by law for the serving of the notice. Volume **I,** section **452.**

Contestant have sometimes served amended or supplemental notices of contest, trusting to the House to authorize the action later. Volume **I,** section **452.**

Instance wherein the Elections Committee, after ruling a notice of contest insufficient, permitted contestant to specify orally. Volume **II,** section **848.**

The statute limiting the time within notice of contest of election may be served is merely directory and may be disregarded for cause. Volume **VI,** section **98.**

Where contestant had failed to serve notice on contestee within time required by law the House declined to extend time because of lack of diligence. Volume **VI,** section **99.**

ELECTIONS OF REPRESENTATIVES—Continued.

(239) Notice of Contest.—Time of Serving—Continued.

The contestant having failed to serve notice of contest within the time required by law, the committee deemed it unnecessary to take action thereon. Volume **VI,** section **100.**

Contestant having failed to serve proper notice of contest upon contestee, the case was dismissed. Volume **II,** section **101.**

Contestant having failed to serve notice of contest within the prescribed time, the committee recommended that the case be dismissed. Volume **VI,** section **175.**

An amended notice of contest having been filed by contestant was answered by contestee. Volume **VI,** section **160.**

Objections by contestee that notice of contest was insufficient were disregarded by the elections committee. Volume **VI,** section **163.**

By answering a notice of contest served before the declaration of the result the sitting Member was held to have waived the informality. Volume **II,** section **852.**

The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statute, the committee did not examine the case. Volume **II,** section **901.**

A Senate committee concluded in the Pickering impeachment that respondent might answer in person, by attorney, or not at all. Volume **III,** section **2324.**

The Presiding Officer held that counsel of the son of Judge Pickering, admitted to show the insanity of the accused, might not offer a motion to the court. Volume **III,** section **2334.**

Mr. Justice Chase introduced his counsel at the time he gave in his answer. Volume **III,** section **2351.**

In the Chase impeachment the respondent introduced additional counsel during the trial. Volume **III,** section **2354.**

President Johnson entered his appearance by letter addressed to the chief Justice and naming the counsel to appear for him. Volume **III,** section **2424.**

Form of announcing the appearance of counsel in the Belknap trial. Volume **III,** section **2453.**

In English impeachments the respondent has counsel in accusation for misdemeanor, but not in capital cases. Volume **III,** section **2120.**

According to the parliamentary law the respondent, on accusation for misdemeanor, may answer the articles of impeachment by person, or by writing, or by attorney. Volume **III,** section **2120.**

When the person accused in articles of impeachment appears by agent or attorney a record is made naming the person appearing and the capacity in which he appears. Volume **III,** section **2129.**

In impeachment proceedings before the Senate counsel for the respondent is admitted and heard. Volume **III,** section **2130.**

The person accused in articles of impeachment may appear in person or by attorney. Volume **III,** section **2127.**

The person impeached may appear to answer the articles in person or by attorney, and a record is made as to the mode of appearance. Volume **III,** section **2129.**

After William Blount had failed to appear and answer counsel were admitted on his behalf. Volume **III,** section **2308.**

In the Blount impeachment a letter from respondent's attorneys announcing their readiness to attend was filed in the Senate before the day set for appearance. Volume **III,** section **2305.**

The Senate decided that the counsel for William Blount need not file any warrant of attorney or other written authority. Volume **III,** section **2309.**

In the Blount impeachment the rejoinder on behalf of respondent was signed by his attorneys. Volume **III,** section **2311.**

In the First Congress the House did not think it necessary to hear petitioners in an election case on the floor by counsel. Volume **I,** section **757.**

In 1791 the House admitted the contestant and his counsel to the bar to produce testimony in an election case. Volume **I,** section **709.**

ELECTIONS OF REPRESENTATIVES—Continued.

(239) Notice of Contest.—Time of Serving—Continued.

The House in 1803 permitted a contestant in an election case to be heard by counsel at the bar of the House (footnote). Volume **I,** section **765.**

In 1792, 1804, and 1841 the House permitted parties in election cases to be heard by attorneys at the bar of the House. Volume **I,** sections **657–659.**

In 1826 the House, after full discussion, declined to permit the contestant in an election case to be heard by counsel at the bar of the House. Volume **I,** section **660.**

The House in 1856 declined to permit a contestant who could not speak the English language to be heard by counsel at the bar of the House. Volume **I,** section **661.**

The specifications of a notice of contest are required to give a reasonable degree of information but not to have the precision of pleadings in the courts. Volume **II,** section **1064.**

Instance wherein citizens of a district, in memorial, participated in an election contest. Volume **I,** section **803.**

Instance of an election instituted by a memorial from citizens of the district. Volume **I,** section **808.**

The law governing the serving of notice of contest may be departed from in a case where its observance is impracticable. Volume **I,** section **237.**

The House may give to its Elections Committee discretion to regulate the serving of notice and taking of testimony in an election case. Volume **I,** section **599.**

The legal time for serving a notice of contest in an election case is extended by the House only for good reason and where there seems to be reasonable ground for a contest. Volume **I,** section **436.**

For exceptional reasons the House may authorize an election case to be made up as to notice and answer after the time prescribed by law. Volume **I,** section **680.**

The revocation of credentials having reversed the position of the parties the House by resolution authorized investigation without regard to notice. Volume **I,** section **687.**

Rule prescribed by the House for serving notice and taking testimony in a delayed election case. Volume **I,** section **686.**

Form of resolution providing for notice and answer in election case after expiration of time prescribed by law. Volume **I,** section **680.**

Form of resolution providing for serving notice and taking testimony in an election case conducted in disregard of the terms of the law. Volume **I,** section **598.**

The House having of its own motion decided to examine an election a copy of the resolution was served on the parties. Volume **I,** section **791.**

The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statute, the committee did not examine the case. Volume **II,** section **901.**

An instance wherein a Delegate gave notice of a contest by a telegram, which was submitted to the House by the Speaker. Volume **I,** section **467.**

As to what constitutes the determination of result on which the serving of a notice of contest is predicated. Volume **II,** section **992.**

Decision as to what is a determination of result within the meaning of the law providing for serving notice of contest. Volume **II,** sections **862, 884.**

The pleadings in an election case should be free from personalities. Volume **II,** section **938.**

Personalities and generally also digressions on local politics are irrelevant to the record of an election case. Volume **I,** section **425.**

Instance wherein the Elections Committee condemned pleadings in notice and answer for irrelevant charges and insinuations. Volume **II,** section **1125.**

The Elections Committee has no authority to alter or suppress improper pleadings in the notice and answer. Volume **II,** section **1125.**

In an election case allegations as to the means by which a person became a candidate are not properly considered. Volume **II,** section **1103.**

ELECTIONS OF REPRESENTATIVES—Continued.

(239) Notice of Contest.—Time of Serving—Continued.

Instance wherein the Elections Committee examined a contest on the merits, although the pleadings were too imperfect to support a decision for contestant. Volume **II,** section **1107.**

Contestant's notice not having specifically demanded the rejection of an entire precinct, the Committee on Elections corrected the poll, although rejection appeared justifiable. Volume **II,** section **875.**

Although contestant claimed in his notice that blurred ballots should not be counted for contestee and did not ask that they be counted for himself, the committee counted them for both. Volume **II,** section **1077.**

If the contestant shows a return illegal, does the burden fall on contestee to prove the vote when contestant has not attacked it in his notice? Volume **II,** section **948.**

When both sides have, without objection, investigated an alleged illegal vote, failure to specify it in notice of contest may not be urged. Volume **I,** section **588.**

A vote challenged in notice of contest by either party is a proper subject of investigation. Volume **I,** section **588.**

Instance wherein a return was rejected and count aliunde admitted without request for the same in contestant's notice. Volume **II,** section **964.**

Objection to the legality of the constitution of an election district, not raised in the notice of contest, was not considered. Volume **II,** section **893.**

Contestee having objected when certain evidence was taken that it was not covered by the notice, the Elections Committee sustained the objection. Volume **II,** section **880.**

Objection having been made by contestee to evidence on points not put in issue by contestant's notice, the evidence was rejected. Volume **II,** section **855.**

The House will not examine testimony as to a precinct not included in the notice of contest. Volume **II,** section **1015.**

The Elections Committee examined a question raised in the notice of contest, although it had not been insisted on in the argument of contestant. Volume **II,** section **878.**

An affidavit taken without notice to opposing candidate and before the result had been determined was rejected as evidence. Volume **I,** section **618.**

Testimony taken without the notice required by the law of 1851 was excluded. Volume **II,** section **860.**

The committee considered an issue covered by testimony admitted without objection, although not specified in the pleadings. Volume **II,** section **850.**

Does the fact that an election case is instituted by a memorial instead of on pleading under the law justify a different rule of evidence? Volume **II,** section **988.**

Where contestant offered evidence not specified in notice of contest and the answer was not served within the legal time the House still considered all the evidence. Volume **II,** section **1052.**

The Elections Committee declined to recommend the reopening of a case for further testimony on facts not set forth in the notice or substantiated by testimony. Volume **II,** section **1063.**

The House was disinclined to extend the time of taking testimony in order to procure testimony on points not referred to in the original notice of contest. Volume **II,** section **1006.**

The law governing the service of notice by the party desiring to take a deposition in an election case. Volume **I,** section **697.**

The notice to take depositions and a copy of the subpoena are attached to the depositions in an election case. Volume **I,** section **704.**

A copy of the notice of contest and the answer in an election case are sent to the Clerk of the House with the testimony. Volume **I,** section **704.**

A notice as to taking testimony having been delayed in delivery so that one of the parties could not attend, the committee ordered the testimony taken anew. Volume **I,** section **824.**

ELECTIONS OF REPRESENTATIVES—Continued.

(239) Notice of Contest.—Time of Serving—Continued.

Notices of taking testimony in an election case having specified such times and places as to make it impossible for the returned Member to attend, the Elections Committee held the testimony taken to be ex parte. Volume **I,** section **729.**

Although service of notice of taking testimony may be irregular, if the party yet is informed and appears and cross-examines the House may consider the evidence. Volume **II,** section **1057.**

The name of a witness who swore to his own vote not being mentioned in the notice to take depositions as required by law, the vote was rejected. Volume **I,** section **557.**

In 1865, in a case wherein sitting Member had, by reason of absence on military duty, failed to receive notice of contest, the House gave further time for taking testimony. Volume **II,** section **855.**

Time and place of an election being fixed by law, the failure of officials to give a required notice was held not to justify rejection of the returns. Volume **II,** section **966.**

No legal notice of election at a certain precinct being given, the poll was rejected by the committee although the day of election was fixed by law. Volume **I,** section **617.**

The House has authorized a contestant to take ex parte evidence in case an indifferent opponent should neglect to answer notice of contest. Volume **I,** section **624.**

In a case where neither claimant was seated on prima facie showing the House investigated and determined the contest, although one claimant defaulted in answering notice of contest. Volume **I,** section **624.**

Failure of returned Member to answer notice of contest may not be taken as a confession of the truth of the allegations. Volume **II,** section **863.**

Evidence is not admitted on a point as to which there was a total failure to plead in the answer. Volume **II,** section **934.**

Instance wherein an elections committee considered a question not raised in the notice of contest. Volume **I,** section **643.**

A recital of apparent facts in the notice of contestant, such as the figures of a returned vote, may not be construed as a concession of the truth thereof. Volume **II,** section **1024.**

A contestant giving no notice of contest as required by law and taking no testimony, the House, without further examination, confirmed returned Member's title. Volume **II,** section **1073.**

The parties to an election case may not, by mutual consent, waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I,** section **680.**

(240) Notice of Contest.—Manner of Serving.

It was held in 1886 that under the law of 1851 notice of contest must be served upon the returned Member personally. Volume **II,** section **862.**

The service of notice of notice of contest at the residence is sufficient compliance with the law. Volume **I,** section **337.**

As to what constitutes a sufficient service of notice of contest when the returned Member is absent from home. Volume **II,** section **984.**

An intelligible written notice of contest, in the hands of returned Member within the prescribed time, is sufficient, although served informally. Volume **II,** section **1075.**

It was held in 1866 that proof of notice of service of contest might not be by affidavit of the officer serving the notice. Volume **II,** section **862.**

An election case may be instituted by a contest filed in accordance with the law, by protest or memorial from an elector of the district, by protest or memorial filed by any other person, or on motion of a Member of the House. Volume **VI,** section **78.**

(241) Notice of Contest.—Specially Authorized by the House.

The law governing the serving of notice of contest may be departed from in a case where its observance is impracticable. Volume **I,** section **327.**

ELECTIONS OF REPRESENTATIVES—Continued.

(241) Notice of Contest.—Specially Authorized by the House—Continued.

The revocation of credentials having reversed the position of the parties, the House, by resolution, authorized investigation without regard to notice. Volume **I,** section **687.**

Rule prescribed by the House for serving notice and taking testimony in a delayed election case. Volume **I,** section **686.**

The legal time for serving a notice of contest in an election case is extended by the House only for good reason and where there seems to be reasonable ground for a contest. Volume **I,** section **436.**

The House having of its own motion decided to examine an election, a copy of the resolution was served on the parties. Volume **I,** section **791.**

Form of resolution providing for notice and answer in election case after expiration of time prescribed by law. Volume **I,** section **680.**

(242) Notice of Contest.—Early Use of Petitions.

In 1849 election contests were instituted by memorial. Volume **I,** section **815.**

An instance after the enactment of the law regulating election contests wherein a contest was instituted by petition. Volume **I,** section **525.**

Instance in 1861 of an election contest instituted by memorial. Volume **I,** section **686.**

Instance of a House election contest instituted by petition. Volume **I,** section **646.**

Instance of an election case instituted by memorial from sundry citizens and electors of the district. Volume **I,** section **763.**

Form of petition instituting an early election case. Volume **I,** section **708.**

An election inquiry instituted in the Senate by memorial. Volume **I,** sections **690, 692.**

(243) Notice of Contest.—Must Relate to Issues Sufficient to Change the Result.

Irregularities insufficient to change the result of the election do not justify a contest. Volume **VI,** section **111.**

Where the rejection of votes alleged to be illegal would not alter the result of the election it was not deemed necessary to consider the charge. Volume **VI,** section **75.**

Where allegations of fraud, even if sustained, would not affect sufficient votes to change the result, the House refused to entertain a proposed contest. Volume **VI,** section **99.**

Instance wherein the Elections Committee condemned pleadings in notice and answer for irrelevant charges and insinuations. Volume **II,** section **1125.**

A recital of apparent facts in the notice of contestant, such as the figures of a returned vote, may not be construed as a concession of the truth thereof. Volume **II,** section **1024.**

While failure of a contestant to comply with statutory requirements in the filing of a notice of contest does not necessarily preclude consideration by the House, such contestant may not become the beneficiary of his own negligence by succeeding to the seat so vacated. Volume **VI,** section **98.**

Instance wherein the Elections Committee examined a contest on the merits, although the pleadings were too imperfect to support a decision for contestant. Volume **II,** section **1107.**

The committee did not consider it necessary to pass on the form of a notice of contest which did not relate to issues sufficient to change the result. Volume **II,** section **1071.**

Where the notice of contest does not claim sufficient to change the return the House does not think it necessary to examine the testimony. Volume **II,** section **1071.**

Although insufficiency of the contestant's notice might preclude an award of the seat to him, it might not preclude declaration of a vacancy after examination of the testimony. Volume **II,** section **972.**

(244) Notice of Contest.—Must Present Particular Specifications.

Contestant may not impeach the title of sitting Member by general averments of error, fraud, bribery, or coercion, but must specifically set forth in notice of contest grounds upon which the contest is brought. Volume **VI,** section **102.**

ELECTIONS OF REPRESENTATIVES—Continued.

(244) Notice of Contest.—Must Present Particular Specifications—Continued.

Both the notice of contest and answer are required to present particular specifications: Volume **I,** section **678.**

The House decided in 1806 that a petition instituting an election contest should state the grounds with reasonable certainty. Volume **I,** section **679.**

The notice of contest in an election case must be specific in its allegations. Volume **I,** section **682.**

Construction of the provision of the law of 1851 requiring the notice of contest to "specify particularly." Volume **I,** section **821.**

Opinion from a divided committee as to the degree of definiteness of specifications required in a notice of contest. Volume **I,** section **824.**

The specifications of a notice of contest are required to give a reasonable degree of information, but not to have the precision of pleadings in the courts. Volume **II,** section **1064.**

Specifications in the notice of contest being deemed sufficiently clear and direct to put the sitting Member on a proper defense and prevent surprise were upheld. Volume **II,** section **1074.**

A notice of contest drawn in general terms was held to cover sufficiently the various claims made upon the testimony and in the arguments. Volume **I,** section **337.**

Where the notice of contest was objected to as to specifications not relating to vital questions, the Elections Committee disregarded the objections. Volume **II,** section **1126.**

The notice of contest need not specify the names of voters objected to as not qualified. Volume **I,** sections **821, 830, 835.**

In an election case where it is alleged that votes have been cast by persons not qualified, the names of such persons should be given in the notice of contest. Volume **I,** section **763.**

Where electors are objected to for want of qualifications, their names should be set forth in the notice of contest. Volume **I,** section **773.**

In an election case an allegation that a certain number of votes were cast by proxy was conceded sufficiently certain without specification of the names. Volume **I,** section **763.**

Objection to the legality of the constitution of an election district, not raised in the notice of contest, was not considered. Volume **II,** section **893.**

Omission to specify definitely in the notice of contest a district alleged to be illegally constituted was not held fatal. Volume **II,** section **859.**

A notice of contest being defective, but objections thereto not being pressed, the committee examined the case. Volume **II,** section **949.**

A specification in notice of contest defective in specifying the number of illegal votes and where they were cast was nevertheless regarded. Volume **II,** section **917.**

The pleadings in both the notice and answer being bad, the committee condemned them, but examined the case. Volume **II,** section **850.**

Although there may be irregularities in pleadings and in taking testimony, the committee sometimes examines an election case on the merits. Volume **I,** section **681.**

The notice of contest need not give the names of voters objected to for qualifications. Volume **I,** section **830.**

When electors are objected to for want of qualifications their names should be set forth in the notice of contest. Volume **I,** section **773.**

(245) Notice of Contest.—Defective in Specifications.

While notice of contest should state specifically the points on which testimony is adduced, yet the committee sometimes waives the strict requirement of the rule. Volume **I,** section **579.**

The Committee on Elections sometimes hears a contest on its merits, although the notice may fail in definiteness. Volume **I,** section **682.**

The specifications of the notice of contest should be sufficient merely to put the opposite party on his guard. Volume **II,** section **864.**

ELECTIONS OF REPRESENTATIVES—Continued.

(245) Notice of Contest.—Defective in Specifications—Continued.

Discussion as to the sufficiency of a notice of contest which did not give particular specifications. Volume **I,** section **785.**

A Notice of contest being defective but objections thereto not being pressed, the committee examined the case. Volume **II,** section **949.**

The Elections Committee may consider a case although the pleadings do not all meet the requirements of the law as to specifications. Volume **II,** section **859.**

Although the allegations of the petitioner in an election case were vague and indefinite, the Elections Committee proceeded to examination. Volume **I,** section **778.**

Omission to specify definitely in the notice of contest a district alleged to be illegally constituted was not held fatal. Volume **II,** section **859.**

The allegation that "sundry" disqualified persons in the district voted for contestee was permitted in a notice of contest, although criticized. Volume **II,** section **859.**

A specification in notice of contest defective in specifying the number of illegal votes and where they were cast was nevertheless regarded. Volume **II,** section **917.**

The petition of a contestant was admitted although defective in its specification of particulars. Volume **I,** section **812.**

Example of a general specification in a notice of contest which does not meet the requirements of the law. Volume **II,** section **848.**

Specifying particulars in which notice of contest was deficient. Volume **VI,** section **97.**

Objections by contestee that notice of contest was insufficient were disregarded by the Elections Committee. Volume **VI,** section **163.**

The mere fact that candidates for other offices on the same ticket received large majorities while contestant received a minority of the votes cast, does not justify a contest. Volume **VI,** section **117.**

Illustration of specifications so vague as to destroy the validity of the notice of contest. Volume **II,** section **972.**

Illustration of a vague and uncertain specification in a notice of contest, which was nevertheless considered. Volume **II,** section **909.**

Illustration of a notice of contest deficient in the particularity of its specifications. Volume **II,** section **942.**

Specifications in contestant's notice of contest criticized as too general. Volume **II,** section **1107.**

Illustraton of a specification in a notice of contest condemned as too general. Volume **II,** section **905.**

A notice of contest condemned in an election case as inadequate. Volume **I,** section **682.**

Form of a petition in an election case deemed too general and indefinite in its charges. Volume **I,** section **778.**

An instance wherein a Delegate gave notice of a contest by a telegram which was submitted to the House by the Speaker. Volume **I,** section **467.**

Although the notice of contest filed by contestant was defective, the House considered the merits of the case. Volume **VI,** section **150.**

The revocation of credentials having reversed the position of the parties, the House by resolution authorized investigation without regard to notice. Volume **I,** section **687.**

It is not necessary that the notice of contest specify the names of individual voters whose qualifications are challenged. Volume **I,** section **835.**

The House declined to receive a deposition taken in violation of the law of 1851, although bearing vitally on the turning point of the contest. Volume **II,** section **852.**

Although service of notice of taking testimony may be irregular, if the party yet is informed and appears and cross-examines, the House may consider the evidence. Volume **II,** section **1057.**

Both parties having proceeded under misapprehension of the law the evidence was admitted. Volume **II,** section **920.**

ELECTIONS OF REPRESENTATIVES—Continued.

(245) Notice of Contest.—Defective in Specifications—Continued.

Testimony of contestant being taken after the legal time and against contestee's protest the committee reported that it should not be considered and that sitting Member's title should be confirmed. Volume **I,** section **730.**

Testimony taken after the time allowed by law was rejected. Volume **II,** section **905.**

A condemnation by the Elections Committee of oral arrangements between parties to an election case for taking testimony out of time. Volume **I,** section **730.**

Contestant's testimony being delayed by dilatory action and intimidation the House considered a portion taken after the legal limit. Volume **II,** section **977.**

A notice of contest served within thirty days of the issuance of the governor's proclamation was held sufficient, although the proclamation was not issued within the time prescribed by law. Volume **I,** section **38.**

The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statute, the committee did not examine the case. Volume **II,** section **901.**

Specifications in the notice of contest being deemed sufficiently clear and direct to put the sitting Member on a proper defense and prevent surprise, were upheld. Volume **II,** section **1074.**

A notice of contest being defective, but objections thereto not being pressed, the committee examined the case. Volume **II,** section **949.**

Where contestant had taken testimony irregularly the House gave returned Member additional time to cross-examine witnesses who had already testified, and to take rebuttal evidence. Volume **II,** section **1003.**

Original testimony taken on notices stating that witnesses were to be examined in rebuttal was rejected. Volume **II,** section **905.**

In extraordinary cases, and where it appears that in no other way can the will of the voter be ascertained, resort to methods not technically legal may be justified. Volume **II,** section **1031.**

Testimony taken before an officer other than the one named in the notice was rejected by the committee. Volume **I,** section **831.**

Testimony in an election case being taken before a person who had ceased to be a notary, but none of the parties or witnesses being aware of this until nearly all the evidence was in, the House considered it. Volume **II,** section **1086.**

Discussion as to informalities in the preparation of depositions in an election case. Volume **I,** section **736.**

(246) Notice of Contest—Waiver of Objections as to Specifications.

Sitting Member waived objection as to the specifications of the notice by not making it when the testimony was taken. Volume **II,** section **864.**

A contestee by answering without taking exceptions waives objections to the sufficiency of the notice of contest. Volume **II,** section **855.**

Participating in a subsequent agreement as to evidence the contestee was held to have waived his objections to the sufficiency of notice. Volume **II,** section **942.**

Having permitted without objection the reference of a contest to a committee of the House, and having taken testimony and presented argument on the merits of the contest, the sitting Member was held to have waived thereby any right to object to irregularities in the filing of the notice of contest. Volume **VI,** section **98.**

The contestant in an election case must confine his proof to the allegations of his notice. Volume **I,** section **640.** Volume **II,** section **1107.**

The House decided that in an election case introduced by a petitioner should not give evidence of any fact not alleged in the petition. Volume **I,** section **679.**

By answering a notice of contest served before the declaration of the result the sitting Member was held to have waived the informality. Volume **II,** section **852.**

ELECTIONS OF REPRESENTATIVES—Continued.

(247) Notice of Contest.—Amended and Supplemental.

An amended notice of contest having been filed by contestant was answered by contestee. Volume **VI,** section **160.**

A contestant may serve more than one notice of contest provided that each notice be served within the required time. Volume **I,** section **839.**

A second notice of contest served after the expiration of the time fixed by law was disregarded. Volume **II,** section **855.**

The House sometimes authorizes a contestant to serve an amended or supplemental notice of contest after the expiration of the time fixed by law for the serving of the notice. Volume **I,** section **452.**

The House, in case there shall be necessity, authorizes a contestant to serve as amended notice of contest. Volume **I,** section **624.**

Instances wherein the House permitted amended notices of contest to be filed, with right to file amended answers. Volume **I,** section **683.**

Contestants have sometimes served amended or supplemental notices of contest, trusting to the House to authorize the action later. Volume **I,** section **452.**

An instance wherein, after an amended notice of contest had been authorized, the House heard the election case as if it had actually been made. Volume **I,** section **684.**

Instance wherein the Elections Committee, after ruling a notice of contest insufficient, permitted contestant to specify orally. Volume **II,** section **848.**

Questions as to the serving of amended notices of contest in election cases. Volume **I,** section **685.**

In 1868 the House entertained a contest for the seat of a Delegate, although the first notice, of contest was irregular and the supplemental notice was not filed within the time required by law. Volume **I,** section **467.**

An amended notice of contest having been filed by contestant was answered by contestee. Volume **VI,** section **160.**

(248) Officers of.—De Jure and de Facto.

Distinction between election officers de jure and de facto and mere usurpers. Volume **II,** section **878.**

The returns of election officers de facto, acting in good faith, were counted by the House. Volume **I,** section **828.**

Was an official acting without authority of law on a canvassing board an intruder or a de facto officer? Volume **I,** section **948.**

Election officers fraudulently chosen and acting illegally were held to be intruders and not de facto officers. Volume **II,** section **902.**

An election officer appointed without authority of law was held not to be an officer de facto. Volume **II,** section **884.**

Although irregularly chosen, an election officer was regarded as a de facto officer whose acts were valid. Volume **II,** section **1014.**

An election officer having acted colore officii without objection from any claimant the Elections Committee declined to inquire if he had been appointed properly. Volume **I,** section **782.**

There being doubt as to the regularity of the appointment of an election judge, the committee rejected the votes cast while he officiated, but the House reversed the ruling. Volume **I,** section **55.**

An election officer who was removed but not notified of the fact, and whose successor failed to qualify, was a de facto officer, and returns signed by him were not properly rejected. Volume **I,** section **603.**

Election officers who have not taken required oath are still de facto officers and their acts are valid. Volume **II,** section **1085.**

ELECTIONS OF REPRESENTATIVES—Continued.

(248) Officers of.—De Jure de Facto—Continued.

In the absence of fraud, the failure of an election officer to be sworn does not destroy the effect of his acts as an officer de facto. Volume **II,** section **879.**

Election judges and clerks sworn by one having no legal right to administer the oath were regarded by the House as de facto officers, and the returns were counted, the State law forbidding rejection for mere informalities. Volume **I,** section **558.**

A person not possessing the qualifications required for an officer de jure may not be an officer de facto. Volume **II,** section **881.**

As to whether an unnaturalized foreigner may be a de facto election officer. Volume **II,** section **922.**

Should the fact that judges of election are not freeholders as required by law impair their acts as de facto officers? Volume **II,** section **888.**

The House held a duly appointed election judge to be an officer de facto, although not possessing a required qualification as to former loyalty. Volume **II,** section **879.**

Election officers belonging to one political party only, in violation of the requirements of law, are nevertheless de facto officers. Volume **I,** section **1006.**

Certain officers of election being held to be disqualified under State law, the House rejected the returns over which they had presided, declining to treat them as de facto officers. Volume **I,** section **451.**

No fraud being shown the House sustained the election returns, although a de facto election officer of partisan bias and irregular conduct, officiated a portion of the time. Volume **II,** section **878.**

An election board being unfairly constituted, the returns were successfully impeached by the testimony of individual voters as to their ballots and qualifications. Volume **II,** section **1033.**

Discussion of the status of a governor de facto as distinguished from an usurper. Volume **I,** section **350.**

Distinction between election officers de jure and de facto and mere usurpers. Volume **II,** section **878.**

The Senate declined to seat the bearer of credentials signed by a person exercising the authority of governor, it being objected that the signer was an usurper and that there was no election by a valid legislature. Volume **I,** section **352.**

Although usurpers had acted with the election officers and the ballots were stolen, the committee declined to reject the return on the ground that it would increase the harm to the injured party. Volume **II,** section **1053.**

Forcible usurpation of county offices, whereby the entire election machinery of the county was placed in the hands of one party, in violation of law, with subsequent fraudulent acts, constituted evidence of a conspiracy. Volume **II,** section **1022.**

Returns of State officers are not binding on the House, which may go behind all returns in determining final right. Volume **I,** section **538.**

Votes cast on a legal election day were held by the House, although the State official had withdrawn his proclamation calling the election for that day. Volume **I,** section **524.**

The Elections Committee held that wherever a United States inspector was prevented from performing his legal duties at the poll, the return should be rejected. Volume **II,** section **1039.**

As to proving a vote aliunde by testimony of a United States inspector who distributed tickets and saw them voted. Volume **II,** section **1038.**

Although illiterate election officers seemed to have been appointed purposely, yet the House was reluctant to reject their returns when the safeguard of Federal inspectors had existed. Volume **II,** section **973.**

While conduct of election officers may justify their punishment for misdemeanor, it may not justify rejection of the returns made by them. Volume **II,** section **861.**

ELECTIONS OF REPRESENTATIVES—Continued.

(248) Officers of.—De Jure and de Facto—Continued.

Where canvassing officers acted arbitrarily, although not fraudulently, the House corrected their result by the precinct returns. Volume **II,** section **899.**

Officers of election having wrongfully denied qualified voters the right to vote, the House counts the rejected votes. Volume **II,** section **975.**

Although many electors have suffered by arbitrary refusal of registration officers to do their duty, yet the House requires a contestant to show specifically the resulting harm. Volume **II,** section **974.**

The House declined to declare a seat vacant in a case wherein unsatisfactory proof of contestant's election was reinforced by bad conduct of election officers favorable to contestee. Volume **II,** section **875.**

Conduct of unauthorized challengers, supplemented by the acts of partisan election officers, may contribute to taint a return. Volume **II,** section **1074.**

Discussion as to appointment of election officers of one party only as prima facie evidence of fraud. Volume **II,** section **1104.**

Where a particular election board denies representation to the opposing party the returns, being impeached by evidence, are rejected. Volume **II,** section **1115.**

A general plan of evasion of the law providing for boards of fair election officers, combined with attempts to prevent examination thereof, was considered proof of conspiracy to defraud. Volume **II,** section **1030.**

Failure to give party representation on election boards, when the same is required by law and practicable, is evidence of conspiracy to defraud. Volume **II,** section **1025.**

As to the validity of a supplemental return proven by the election officers and not by the best evidence, i.e., the ballots themselves. Volume **II,** section **948.**

A return was corrected on the evidence of the tally list, supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **999.**

Certificates of canvassing officers, supplemented by certified transcripts by a chancery clerk, were held prima facie evidence of the votes at a poll whereof the primary returns were rejected. Volume **II,** section **960.**

Election officers being robbed of the ballot boxes and returns by unknown masked men, the general result was not affected thereby. Volume **II,** section **937.**

The existence of a corruption fund and the use of it, even by county officers, does not vitiate an election beyond the actual votes shown to be affected. Volume **II,** section **1027.**

The House declined to consider, in the assignment of prima facie title, a question of law as to rejection of votes by canvassing officers. Volume **I,** section **328.**

An opinion that the House, in construction of a State law, should follow the construction given by the proper State officers. Volume **I,** section **521.**

When voters are disqualified for crime a vote should not be rejected unless there is proper evidence of the conviction of the person offering it. Volume **I,** section **537.**

The failure of an election judge to detach a stub from a ballot, as he was required to do by law, did not justify the rejection of a ballot cast in good faith. Volume **II,** section **1120.**

An informal removal of a numbered stub by election officers from ballots erroneously cast with such illegal distinguishing mark did not save the ballots from rejection by the House. Volume **I,** section **527.**

The numbering of ballots through an honest blunder of election officers does not cause their rejection in absence of evidence of intimidation. Volume **II,** section **952.**

Discussion as to whether a voter should be disfranchised for failure of election officers to obey a law requiring indorsement and numbering of the ballot. Volume **II,** section **1047.**

The state law requiring rejection of ballots not marked with initials of election officers, the House overruled the election officers who had counted such ballots. Volume **II,** section **1056.**

ELECTIONS OF REPRESENTATIVES—Continued.

(248) Officers of.—De Jure and de Facto—Continued.

An illegal destruction of ballots, but apparently done in good faith, was not held as evidence contributing to a charge of conspiracy. Volume **II,** section **1079.**

Discussion as to counting votes cast at an election adjourned by the officers for fear outrage from the legal place to another. Volume **II,** section **1038.**

Votes cast at an election adjourned beyond the times permitted by law were rejected. Volume **I,** section **783.**

Discussion as to the disposition of rival polls caused by a division among election officers. Volume **II,** section **1105.**

Failure of county officers to verify formally a registration list did not invalidate the election, no voter being deprived of any right. Volume **II,** section **1084.**

Participation of a United States marshal in the duties of election officers, no harm being shown, did not justify rejection of the return. Volume **II,** section **1058.**

A succession of unexplained irregularities on the part of intelligent election officers destroys the presumption in favor of the returns. Volume **II,** section **1032.**

Unfair conduct on the part of election officers and suspicious circumstances do not justify overturning a majority not destroyed by testimony. Volume **II,** section **1119.**

Temporary absence of the election judges, the voting being left under charge of honest election clerks, did not vitiate the poll. Volume **II,** section **1027.**

Only preponderating testimony that there was no fraud saved from rejection a poll whereat the election officers adjourned for dinner and removed the ballot box illegally. Volume **II,** section **1027.**

Evidence of declarations of voters when they took their tickets and went to the box availed to discredit returns of election officers of doubtful honesty. Volume **II,** section **1030.**

A case in which the committee considered historic facts in judging validity of an election wherein appeared many irregularities on the part of election officers. Volume **I,** section **338.**

Where election officers returned 12 votes for contestant and 17 electors swore they voted for him, the House rejected the entire return. Volume **II,** section **1111.**

Although the law requires ballots to be counted only after close of the voting, partial count earlier does not necessarily vitiate the poll. Volume **II,** section **1049.**

Handling of the ballots by parties other than the officers does not necessarily cause rejection of the poll. Volume **II,** section **1049.**

No fraud being alleged, absence of election officers from the poll for dinner or other reason does not justify rejection of the poll. Volume **II,** section **1049.**

Temporary absence of election officers from the poll does not invalidate the vote, no harm resulting therefrom. Volume **II,** section **1054.**

Temporary absence of a portion of the election officers for purpose of dining was not considered ground for rejecting the poll. Volume **II,** section **866.**

Although the State law forbade temporary closing of a poll on penalty of vitiating the election, yet the harmless act of suspending voting while the officers dined was overlooked. Volume **II,** section **866.**

A poll unauthorized by law, taken at a place different from the legally appointed place under control of partisan officers, was rejected. Volume **II,** section **924.**

A sheriff having adjourned an election for a reason not specified as a cause of adjournment, the Elections Committee rejected votes cast after such adjournment. Volume **I,** section **769.**

Polls being illegally closed, the House took into account the injury resulting to contestant thereby. Volume **II,** section **970.**

There being no evidence that either party had suffered especial harm the House did not count votes excluded by closing the polls, although negligence of election officers was alleged. Volume **II,** section **1088.**

ELECTIONS OF REPRESENTATIVES—Continued.

(248) Officers of.—De Jure and de Facto—Continued.

Returns being rejected for fraud by election officers, no act of the said officers may be admitted as proof aliunde of the vote. Volume **II,** section **932.**

Where election officers are discredited by a falsified return their testimony as to their own votes is valueless as proof aliunde. Volume **II,** section **1050.**

The honesty of election officers being impeached, the testimony of the voters as to their own votes was admitted to destroy the return and prove the vote aliunde. Volume **II,** section **980.**

In estimating harm done by fraud of officers judicial cognizance was taken of the general prevalence of certain political sentiment. Volume **II,** section **1095.**

A presumptive arising from the previous good character of election officers is destroyed by uncontradicted and positive testimony as to their fraudulent conduct at the election. Volume **II,** section **1089.**

Discussion as to the status of the ballots as evidence when the honesty of the election officers is impeached. Volume **II,** section **1043.**

There being evidence of a conspiracy of election officers to defraud, the returns were satisfactorily impeached by evidence falling short of the best evidence, i.e., the testimony of the voters themselves. Volume **II,** section **1030.**

The House declined to overrule the election officers who counted votes of electors assisted in marking without taking the required preliminary oath. Volume **II,** section **1070.**

In order for a recount of votes to rebut the presumption in favor of the election officers, it must be shown that the boxes have been kept inviolate. Volume **II,** section **847.**

The presumption in favor of the truthfulness of official returns disappears on proof that the election officers violated the law. Volume **II,** section **1065.**

Election officers being required to file certain affidavits with a prothonotary, his certificate that this was not done was accepted as proof that the affidavits were not taken. Volume **II,** section **1130.**

The required return of the oaths of election officers not being made the burden of proving the oath is thrown on the party claiming benefit from the votes. Volume **I,** section **841.**

The House declined to reverse the action of election officers who had returned for "Jonathan H. Wallace" votes cast for "J. Wales" and "Jonathan H. Walser." Volume **II,** section **987.**

Distinction between proof required to set aside returns of sworn officers and that which will establish a vote aliunde when returns do not exist. Volume **II,** section **965.**

The records and returns of election officers are presumed to be correct, and are to be set aside only on conclusive proof. Volume **I,** section **820.**

A county canvassing board having ministerial duties only are presumed to act correctly, but this presumption may be rebutted at any time by reference to precinct returns. Volume **I,** section **577.**

Discussion as to the sufficiency of tally lists kept by watchers at the polls to impeach the returns of the officers. Volume **II,** section **1104.**

As to the sufficiency of a recount which justifies a disregard of the returns of the sworn election officers. Volume **II,** section **997.**

A registration office who could not properly take the oath he did take as such officer was held a good de facto officer. Volume **II,** section **870.**

In making up the roll the Clerk disregarded entirely credentials issued by a person claiming to be governor but who never exercised the functions of that office. Volume **I,** section **60.**

Instance of returns of an election made by military officers under authority of reconstruction acts. Volume **I,** section **326.**

Disorder before the opening of the polls and for the purpose of affecting the choice of election officers, and not affecting the poll itself, was disregarded by the House. Volume **II,** section **1068.**

ELECTIONS OF REPRESENTATIVES—Continued.

(248) Officers of.—De Jure and de Facto—Continued.

Votes from a county illegally organized, whose election officers were improperly commissioned, and where there was some fraud, were rejected. Volume **I,** section **840.**

When by a conspiracy of officials ignorant election officers were installed, and then their imperfect returns rejected, contestant was permitted to prove the vote aliunde by oral evidence of inspectors, etc. Volume **II,** section **965.**

As to what constitutes a majority of election officers competent to hold a valid election. Volume **II,** section **954.**

There being only two inspectors of election where the law required three, the returns were rejected. Volume **I,** section **838.**

The law requiring two officers to officiate at a poll, votes were taken by one officer acting in the capacity of the two requiring were rejected. Volume **I,** section **782.**

An informal poll, held by one election officer instead of three and irregularly conducted, was rejected. Volume **II,** section **1015.**

The law requiring the presence of the sheriff at the voting, the committee rejected votes cast in his absence, but the House reversed this ruling. Volume **I,** section **54.**

Only one legally appointed election officer presiding, and the voting being interrupted by disorder, the poll is rejected. Volume **II,** section **1015.**

The canvassing of votes by an illegal board, while important to returning officers, does not prevent the House ascertaining the result from precinct returns. Volume **II,** section **915.**

The returns being rendered untrustworthy by action of acting judges chosen in places of judges kept from the polls by intimidation, the poll was rejected. Volume **II,** section **873.**

The election officers being irregularly chosen and of suspicious conduct, an excess of ballots over the poll list was held to justify rejection of the box. Volume **II,** section **1032.**

Where the tally list was kept by an unsworn person not an election officer and the poll list and the testimony as to the tally list showed discrepancies, the return was rejected. Volume **II,** section **1090.**

There being evidence of both fraud and intimidation, the failure of election officers to be sworn vitiated the returns. Volume **II,** section **884.**

Riots at the polls, even involving election officers, were not given weight except where contributing to impeach the integrity of unsworn election officers. Volume **I,** section **843.**

No fraud or injury being alleged, the Elections Committee declined to reject a poll because of neglect of the election officers to take the required oath. Volume **I,** section **770.**

(249) Officers of.—Qualifications.

Returns are not vitiated simply because election officers lack certain qualifications required by law. Volume **II,** section **1085.**

No fraud or injury being shown, the proper acts of an unqualified or unauthorized election officer do not vitiate the poll. Volume **I,** section **811.**

Although a portion of the election officers were disqualified persons corruptly appointed, the Elections Committee did not reject the poll but corrected the return by a recount. Volume **II,** section **1016.**

Election officers not being residents of the precinct as required by law, the poll was rejected. Volume **II,** section **881.**

One of the election judges being disqualified by law to act as judge, the returns were rejected. Volume **II,** section **866.**

When the law forbids a candidate to be an election officer, is a poll for Congressman void because a candidate for a local office is such officer? Volume **II,** section **1049.**

A State law forbidding a candidate to act as an election officer, participation of contestee as an acting officer was occasion of a division of opinion in the Elections Committee. Volume **II,** section **954.**

ELECTIONS OF REPRESENTATIVES—Continued.

(249) Officers of.—Qualifications—Continued.

Participation of relatives of a contestant as election officers was not held fatal to the return, although the State constitution might seem to imply a prohibition of such participation. Volume **I,** section **778.**

It not being shown that the law required a record of the qualification of an election officer, the committee declined to assume from absence of the record that he was not qualified. Volume **I,** section **618.**

Effect of violation of State law forbidding a candidate to be an election officer. Volume **II,** sections **954, 1049.**

The fact that an election officer, before he became such, had made a bet from which he withdrew before acting, did not vitiate the return. Volume **II,** section **1005.**

(250) Officers of.—Mere Failure to be Sworn Not Fatal to Acts of.

In the absence of fraud the failure of election officers to be sworn should not vitiate a poll. Volume **I,** section **807.**

No fraud or injury being alleged the Elections Committee declined to reject a poll because of neglect of the election officers to take the required oath. Volume **I,** section **770.**

No fraud being shown, and no specific fraudulent act being alleged, the House declined to reject a poll because unsworn persons assisted in the count. Volume **I,** section **584.**

A poll fairly conducted should not be set aside because an election officer had not been sworn. Volume **I,** section **810.**

Failure of election officers to be sworn, no fraud damaging to the petitioner being shown, was apparently considered not sufficient to justify rejection of the returns. Volume **I,** section **778.**

Although only one of the three election officers was sworn, the House overruled the State canvassers and counted the vote as cast. Volume **II,** section **1014.**

Mere failure of election officers to take the oath prescribed by law does not vitiate the returns. Volume **II,** section **1058.**

The sole objection that election officers are not sworn does not justify rejection of the poll. Volume **II,** section **1049.**

It is a dangerous step to disfranchise a precinct because elections officers have failed to take the required oath. Volume **II,** section **1036.**

(251) Officers of.—Failure to be Sworn Accompanied by Fraud.

There being evidence of both fraud and intimidation the failure of election officers to be sworn vitiated the returns. Volume **II,** section **884.**

It not being shown that election officers were sworn and fraud appearing, the House declined to admit the usual presumption in favor of de facto officers. Volume **I,** section **841.**

Election officers being sworn by an unauthorized sheriff who was an officious intruder, the poll was rejected. Volume **II,** section **954.**

Election officers who have not taken the required oath are still de facto officers and their acts are valid. Volume **II,** section **1085.**

Although only one of the three election officers was sworn, the House overruled the State canvassers and counted the vote as cast. Volume **II,** section **1014.**

(252) Officers of.—Returns Rejected for Failure to be Sworn.

Early instance of the rejection of the returns because election officers did not take the required oath. Volume **I,** section **321.**

A minority argument that a poll should be rejected for failure of an election officer to be sworn. Volume **I,** section **807.**

Failure of the judges of an election to take the required oath was held to vitiate the return. Volume **I,** section **831.**

The neglect of the officer conducting the poll to take the required oath is ground for rejecting the poll. Volume **I,** section **782.**

ELECTIONS OF REPRESENTATIVES—Continued.

(252) Officers of.—Returns Rejected for Failure to be Sworn—Continued.

Participation of an unsworn person in the count may be held a contributory irregularity justifying rejection of a poll. Volume **I,** section **560.**

(253) Officers of.—Proof of the Oath.

An election officer being presumed to do his duty is presumed to have taken a required oath, and the burden of proving otherwise is on the objecting party. Volume **I,** section **782.**

Failure to file a required certificate that an election officer took the oath is sufficient to throw the burden of proof on the party claiming the votes received by the officer. Volume **I,** section **782.**

Instance wherein absence of certificate that election officers were sworn was deemed conclusive in absence of testimony to the contrary. Volume **I,** section **831.**

The required return of the oaths of election officers not being made, the burden of proving the oath is thrown on the party claiming benefit from the votes. Volume **I,** section **841.**

(254) Officers of.—Questions as to Appointment of.

The charge that an election officer was not legally chosen not being fully established, the committee declined to reject the poll. Volume **I,** section **800.**

The mere delay in the appointment of election officers does not vitiate an election held by them. Volume **II,** section **1110.**

As to effect on the return of participation by an illegally appointed election officer. Volume **II,** section **1112.**

Failure to transmit to a county clerk certificate of the choice of an election officer is not a reason for rejecting the pool. Volume **I,** section **800.**

A question as to whether a candidate nominated by nomination papers may suggest the names of election officers under a law giving that function to the "nominating body." Volume **II,** section **1110.**

(255) Officers of.—The Majority Competent to Act.

As to what constitutes a majority of election officers competent to hold a valid election. Volume **II,** section **954.**

There being only two inspectors of election when the law required three, the returns were rejected. Volume **I,** section **838.**

An election being properly conducted, the House counted a return made by a portion of the election officers, the others having declined to act. Volume **II,** section **895.**

The law requiring two officers to officiate at a poll, votes taken by one officer acting in the capacity of the two required were rejected. Volume **I,** section **782.**

An informal poll, held by one election officer instead of three and irregularly conducted, was rejected. Volume **II,** section **1015.**

(256) Officers of.—Absence of, Required Party Representation.

The State law providing, with affixed penalty, that both political parties should be represented on boards of election officers, the House declined to reject the returns of noncompliance with this law. Volume **II,** section **879.**

Disregard of a law requiring party representation of election boards may contribute to establish conspiracy, but does not do so of itself. Volume **II,** section **974.**

Friends of contestant not being represented on an election board, and there being evidence of fraud in the registration and voting, the poll was rejected. Volume **II,** section **1068.**

A general disregard of a directory law as to party representation among election officers was held to constitute a reason for rejection of a series of polls. Volume **II,** section **1072.**

Although the boards of election officers may be constituted unfairly, the House will yet give full effect to legal votes. Volume **II,** section **1068.**

The mere fact that election officers are not divided as to party is not of itself proof that the law requiring such division has been violated. Volume **II,** section **1006.**

ELECTIONS OF REPRESENTATIVES—Continued.

(256) Officers of.—Absence of, Required Party Representation—Continued.

An election board being unfairly constituted, the returns were successfully impeached by the testimony of individual voters as to their ballots and qualifications. Volume **II,** section **1033.**

Contestant having prevented the evidence by which contestee sought to answer contestant's charges the House declined to permit contestant to profit thereby. Volume **II,** section **940.**

Discussion of the effect of the participation of the candidate himself in bribery and its relation to the amount and the proven effect. Volume **II,** section **1279.**

The House, having historic knowledge of an election contest, referred the subject to the committee with instructions, although neither party was petitioning. Volume **I,** section **791.**

The law providing for representation of both parties on the board of election officers being violated, and the vote being impeached, the House rejected the return. Volume **II,** section **964.**

Election officers belonging to one political party only, in violation of the requirements of law, are nevertheless de facto officers. Volume **II,** section **1006.**

Discussion as to appointment of election officers of one party only as prima facie evidence of fraud. Volume **II,** section **1104.**

Voters may not be deprived of their ballots by the neglect of regularly qualified managers to qualify and act. Volume **II,** section **1074.**

An election being properly conducted, the House counted a return made by a portion of the election officers, the others having declined to act. Volume **II,** section **895.**

Failure to give party representation on election boards when the same is required by law and practicable is evidence of conspiracy to defraud. Volume **II,** section **1025.**

A general plan of evasion of the law providing for boards of fair election officers combined with attempts to prevent examination thereof was considered proof of conspiracy to defraud. Volume **II,** section **1030.**

Forcible usurpation of county offices whereby the entire election machinery of the county was placed in the hands of one party, in violation of law, with subsequent fraudulent acts, constituted evidence of a conspiracy. Volume **II,** section **1022.**

It is presumed that election officers who are partisans of the objecting party have not intentionally erred against his interest. Volume **II,** section **922.**

Although the State law declares that no election shall be invalid by failure to have party representation on boards of election officers, the House will reject the returns where fraud accompanies the irregularity. Volume **II,** section **1099.**

Where a particular election board denies representation to the opposing party the returns, being impeached by evidence, are rejected. Volume **II,** section **1115.**

The law providing for representation of both parties on the board of election officers being violated, and the vote being impeached, the House rejected the return. Volume **II,** section **964.**

Failure to give one party lawful representation among election officers, accompanied by proof of fraud, justifies rejection of the returns. Volume **II,** section **1116.**

(257) Officers of.—Absence From the Polls.

Temporary absence of the election judges, the voting being left under charge of honest election clerks, did not vitiate the poll. Volume **II,** section **1027.**

Temporary absence of election officers from the poll does not invalidate the vote, no harm resulting therefrom. Volume **II,** section **1054.**

Temporary absence of a portion of the election officers for purpose of dining was not considered ground for rejecting the poll. Volume **II,** section **866.**

No fraud being alleged, absence of election officers from the poll for dinner or other reason does not justify rejection of the poll. Volume **II,** section **1049.**

ELECTIONS OF REPRESENTATIVES—Continued.

(257) Officers of.—Absence From the Polls.—Continued.

Only preponderating testimony that there was no fraud saved from rejection a poll whereat the election officers adjourned for dinner and removed the ballot box illegally. Volume **II,** section **1027.**

The law requiring the presence of the sheriff at the voting, the committee rejected votes cast in his absence, but the House reversed this ruling. Volume **I,** section **54.**

In the absence of proof to the contrary, the presumption of law is that election officials have complied with the law, and persons refused the privilege of registering or voting were disqualified under the law. Volume **VI,** section **142.**

(258) Officers of.—General Irregularities by.

Voters may not be deprived of their ballots by the neglect of regularly qualified managers to qualify and act. Volume **II,** section **1074.**

In the absence of fraud or injustice irregular action by election officers does not vitiate the poll. Volume **I,** section **804.**

In the absence of fraud on the part of the voters, whose choice was in doubt, the House over-looked irregularities on the part of the election officers. Volume **I,** section **823.**

The House did not indorse a proposition to declare a seat vacant because of irregularities on the part of election officers not shown to be corrupt. Volume **I,** section **807.**

Discussion as to what constitutes a fatal irregularity in the conduct of election officers. Volume **I,** section **822.**

Misconduct of the officer who assists illiterates to mark their ballots justifies correction but not rejection of the poll. Volume **II,** section **1080.**

An election officer being shown guilty of fraud at one ballot box, no confidence was placed in another to which he had access at the same election. Volume **II,** section **1113.**

Instance wherein the Elections Committee, in passing on the intent of election officers accused of fraud, took into account the conduct of those officers at a subsequent election. Volume **II,** section **874.**

It is presumed that election officers who are partisans of the objecting party have not intentionally erred against his interest. Volume **II,** section **922.**

The fact that an election officer, before he became such, had made a bet from which he withdrew before acting, did not vitiate the return. Volume **II,** section **1005.**

Election officers being required to file certain affidavits with a prothonotary, his certificate that this was not done was accepted as proof that the affidavits were not taken. Volume **II,** section **1130.**

Votes fairly and honestly given should not be set aside for the omission or error of the returning officer. Volume **I,** section **638.**

In the absence of fraud the voter can not be deprived of his vote by the omission of election officers to perform duties imposed upon them by law. Volume **VI,** sections **81, 154.**

A lawful vote, honestly cast, may not be rejected because of irregularity in the conduct of an election officer. Volume **VI,** sections **124, 147.**

The vote of a qualified elector prevented from voting through error or misconduct of election officials will be counted upon presentation of proof. Volume **VI,** section **113.**

Adjournment of election officials contrary to provision of law before completion of the count, where untainted with fraud or misconduct does not warrant rejection of the pool. Volume **VI,** section **91.**

Mistakes of election officials, neither operating to change the result nor accompanied by fraud do not warrant rejection of the poll. Volume **VI,** section **92.**

Error of election officer in removing initials properly affixed as required by law does not invalidate ballot. Volume **VI,** section **92.**

Where irregularities occur in isolated instances and the illegal votes are capable of identification those votes only will be rejected, but where disregard of the law by election officials has been so flagrant as to render their returns unreliable the entire vote of the precinct will be rejected. Volume **VI,** section **75.**

ELECTIONS OF REPRESENTATIVES—Continued.

(258) Officers of.—General Irregularities by—Continued.

When performance of a statutory duty is within the discretion of an election official and its performance is accompanied by no denial of right, such performance may not be impeached on the score of partiality. Volume **VI,** section **154.**

While the failure to observe statutes merely directory is not necessarily fatal, it is the duty of election officers to observe rigidly the directory as well as the mandatory requirements of the election laws. Volume **VI,** section **81.**

The alphabetical arrangement of names in the poll books constitute evidence of collusion and fraud on the part of election officials. Volume **VI,** section **75.**

Where the soliciting of votes by election officials continued during the whole day the entire poll should be rejected, but where solicitation is shown to have applied to a limited number of votes those votes only should be deducted from the poll. Volume **VI,** section **91.**

Voters complying with all other requirements of the law should not be disfranchised by the neglect of public officials to register them. Volume **II,** section **1037.**

Where the electors comply with the statutes the House should not reject their votes because returning officers have not been equally careful. Volume **I,** section **778.**

The voters are not to be disfranchised by an neglect of the officers after the election if the correct vote can be ascertained. Volume **II,** section **1031.**

A shifting of numerous ballot boxes, done to deceive the voter, was held to be unlawful, though not forbidden by law. Volume **II,** section **1034.**

An election district being established illegally, but all parties participating in the election in good faith, is considered as having a de facto existence. Volume **II,** section **893.**

Returns made by volunteer officers at "outside polls" of votes cast by persons of unknown qualifications were rejected. Volume **II,** section **894.**

In a simple case of discrepancy between the vote returned and the vote proven by testimony of voters, the return was corrected, not rejected. Volume **II,** section **858.**

Participation by an election judge in bribery did not justify rejection of the poll when the contaminated votes could be separated. Volume **II,** section **1068.**

Abandonment of the polls by intimidated judges was not of itself considered sufficient to invalidate the poll. Volume **II,** section **937.**

The returns being rendered untrustworthy by action of acting judges chosen in places of judges kept from the polls by intimidation, the poll was rejected. Volume **II,** section **873.**

The judges of an election having joined in partisan and irregular conduct, and testimony showing evidence of extensive fraud, the entire return was rejected. Volume **II,** section **850.**

The House, being of opinion that votes were cast as returned, declined to reject the return because not signed by the election judge as required by law. Volume **II,** section **847.**

(259) Pleadings.—Informal, Irrelevant, and Improper.

The pleadings in an election case should be free from personalities. Volume **II,** section **938.**

Personalities, and generally also digressions on local politics, are irrelevant to the record of an election case. Volume **I,** section **425.**

Incompetent testimony and long statements by counsel tending to present such evidence should not be included in the record of an election case. Volume **II,** section **1127.**

In an election case allegations as to the means by which a person became a candidate are not properly considered. Volume **II,** section **1103.**

In the record of an election case allegations and testimony relating to nominations are out of order. Volume **I,** section **425.**

The majority of the Elections Committee, in a sustained case, concluded that the House was not concerned about undue influence used in the nomination of a candidate. Volume **I,** section **46.**

The Elections Committee has no authority to alter or suppress improper pleadings in the notice and answer. Volume **II,** section **1125.**

ELECTIONS OF REPRESENTATIVES—Continued.

(259) Pleadings.—Informal, Irrelevant, and Improper—Continued.

Instance wherein the Elections Committee condemned pleadings in notice and answer for irrelevant charges and insinuations. Volume **II,** section **1125.**

The pleadings in both the notice and answer being bad, the committee condemned them, but examined the case. Volume **II,** section **850.**

Instance wherein the Elections Committee examined a contest on the merits, although the pleadings were too imperfect to support a decision for contestant. Volume **II,** section **1107.**

Although there may be irregularities in pleadings and in taking testimony, the committee sometimes examines an election case on the merits. Volume **I,** section **681.**

The Elections Committee declined in 1882 to reopen a case to enable a contestant to correct his procedure. Volume **I,** section **725.**

An instance wherein after an amended notice of contest had been authorized the House heard the election case as if it had actually been made. Volume **I,** section **684.**

When both sides have, without objection, investigated an alleged illegal vote, failure to specify it in notice of contest may not be urged. Volume **I,** section **588.**

An instance wherein irregularity of pleading as to time of filing was waived by consent of other party. Volume **VI,** section **177.**

The law governing the filing of contestant's and contestee's briefs in an election case and the printing thereof. Volume **I,** section **705.**

A contestant having failed to file the brief required by law, the Elections Committee notified him to appear and show cause why his case should not be dismissed. Volume **I,** section **751.**

The contestant failing to file a brief within the time required by the rules of the House, the committee construed the laches as an abandonment of the contest. Volume **VI,** section **168.**

Although the contestant delayed the filing of testimony and briefs beyond the statutory time, the House, in view of the seriousness of the charges, consented to hear the case. Volume **VI,** section **111.**

Admissions in the brief of a party to a contest are of force if not contrary to proven facts. Volume **II,** section **1130.**

The returns being rejected, the House counted for sitting Member, apparently somewhat as a matter of grace, the votes conceded to him by contestant's brief. Volume **II,** section **1034.**

Instance wherein leave as given to take further testimony and produce additional evidence after briefs had been filed and arguments heard. Volume **VI,** section **134.**

A person proposing to contest the election of a Member serves notice within thirty days after determination of the result. Volume **I,** section **678.**

Decision as to what is a determination of result within the meaning of the law providing for serving notice of contest. Volume **II,** section **862.**

A contestant may serve more than one notice of contest, provided that each notice be served within the required time. Volume **I,** section **839.**

As to validity of an answer with no proof of service except an ex parte affidavit. Volume **II,** section **957.**

The House having, of its own motion, decided to examine an election, a copy of the resolution was served on the parties. Volume **I,** section **791.**

An intelligible written notice of contest in the hands of a returned Member within the prescribed time is sufficient, although served informally. Volume **II,** section **1075.**

The notice of contest in an election case must be specific in its allegations. Volume **I,** section **682.**

Both the notice of contest and answer are required to present particular specifications. Volume **I,** section **678.**

ELECTIONS OF REPRESENTATIVES—Continued.

(259) Pleadings.—Informal, Irrelevant, and Improper—Continued.

Construction of the provision of the law of 1851 requiring the notice of contest to "specify particularly." Volume **I,** section **821.**

Opinion from a divided committee as to the degree of definiteness of specifications required in a notice of contest. Volume **I,** section **824.**

The House decided in 1806 that a petition instituting an election contest should state the grounds with reasonable certainty. Volume **I,** section **679.**

The specifications of a notice of contest are required to give a reasonable degree of information but not to have the precision of pleadings in the courts. Volume **II,** section **1064.**

Specifications in the notice of contest being deemed sufficiently clear and direct to put the sitting Member on a proper defense and prevent surprise were upheld. Volume **II,** section **1074.**

Where the notice of contest was objected to as to specifications not relating to vital questions the Elections Committee disregarded the objections. Volume **II,** section **1126.**

Specifications in contestant's notice of contest criticized as too general. Volume **II,** section **1107.**

The allegation that "sundry" disqualified persons in the district voted for contestee was permitted in a notice of contest, although criticised. Volume **II,** section **859.**

The notice of contest need not specify the names of voters objected to as not qualified. Volume **I,** sections **830, 835.**

The Elections Committee may consider a case, although the pleadings do not all meet the requirements of the law as to specifications. Volume **II,** section **859.**

The petition of a contestant was admitted, although defective in its specification of particulars. Volume **I,** section **812.**

The Committee on Elections sometimes hears a contest on its merits, although the notice may fail in definiteness. Volume **I,** section **682.**

Discussion as to the sufficiency of a notice of contest which did not give particular specifications. Volume **I,** section **785.**

Although the allegations of the petitioner in an election case were vague and indefinite, the Elections Committee proceeded to examination. Volume **I,** section **778.**

Although insufficiency of the contestant's notice might preclude an award of the seat to him, it might not preclude declaration of a vacancy after examination of the testimony. Volume **II,** section **972.**

A notice of contest being defective, but objections thereto not being pressed, the committee examined the case. Volume **II,** section **949.**

The contestant in an election case must confine his proof to the allegations of his notice. Volume **I,** section **640.**

Contestant's case should be limited to the allegations of his notice of contest. Volume **II,** section **1107.**

Evidence is not admitted on a point as to which there was a total failure to plead in the answer. Volume **II,** section **934.**

Contestee having objected when certain evidence was taken that it was not covered by the notice, the Elections Committee sustained the objection. Volume **II,** section **880.**

Objection to the legality of the constitution of an election district, not raised in the notice of contest, was not considered. Volume **II,** section **893.**

Objection having been made by contestee to evidence on points not put in issue by contestant's notice, the evidence was rejected. Volume **II,** section **855.**

The House decided that in an election case introduced by a petition that petitioner should not give evidence of any fact not alleged in the petition. Volume **I,** section **679.**

Although an uncertified return was rejected by the State canvassers, the House counted it, sitting Member not having denied in his answer that the vote was cast as claimed by contestant. Volume **II,** section **960.**

ELECTIONS OF REPRESENTATIVES—Continued.

(259) Pleadings.—Informal, Irrelevant, and Improper—Continued.

The House will not examine testimony as to a precinct not included in the notice of contest. Volume **II,** section **1015.**

A contestant having conceded certain votes on a construction of law at variance with the committee's, the votes were left to his credit. Volume **II,** section **1010.**

A recital of apparent facts in the notice of contestant, such as the figures of a returned vote, may not be construed as a concession of the truth thereof. Volume **II,** section **1024.**

The House is disinclined to give force to point raised in debate, but overlooked both in the report and views of the Elections Committee. Volume **II,** section **958.**

A copy of the notice of contest and the answer in an election case are sent to the Clerk of the House with the testimony. Volume **I,** section **704.**

Testimony taken without the notice required by the law of 1851 as excluded. Volume **II,** section **860.**

A Member on whom has been served a notice of contest shall answer within thirty days of such service. Volume **I,** section **678.**

Failure of returned Member to answer notice of contest may not be taken as a confession of the truth of the allegations. Volume **II,** section **863.**

The Committee did not consider it necessary to pass on the form of a notice of contest which did not relate to issues sufficient to change the result. Volume **II,** section **1071.**

Where the notice of contest does not claim sufficient to change the return the House does not think it necessary to examine the testimony. Volume **II,** section **1071.**

A contestant giving no notice of contest, as required by law, and taking no testimony, the House, without further examination, confirmed returned Member's title. Volume **II,** section **1073.**

The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I,** section **680.**

The Elections Committee at the outset of an investigation called on the claimants to state in writing the grounds of their respective claims. Volume **I,** section **792.**

Although contestant claimed in his notice that blurred ballots should not be counted for contestee, and did not ask that they be counted for himself, the committee counted them for both. Volume **II,** section **1077.**

Instances wherein the House permitted amended notices of contest to be filed, with right to file amended answers. Volume **I,** section **683.**

Instance wherein the Elections Committee after ruling a notice of contest insufficient permitted contestant to specify orally. Volume **II,** section **848.**

A second notice of contest, served after the expiration of the time fixed by law, was disregarded. Volume **II,** section **855.**

In an election case when it is alleged that votes have been cast by persons not qualified the names of such persons should be given in the notice of contest. Volume **I,** section **763.**

Where electors are objected to for want of qualifications their names should be set forth in the notice of contest. Volume **I,** section **773.**

In an election case an allegation that a certain number of votes were cast by proxy was conceded sufficiently certain without specification of the names. Volume **I,** section **763.**

A contestee by answering without taking exceptions waives objections to the sufficiency of the notice of contest. Volume **II,** section **855.**

By answering a notice of contest served before the declaration of the result the sitting Member was held to have waived the informality. Volume **II,** section **852.**

Participating in a subsequent agreement as to evidence, the contestee was held to have waived his objections to the sufficiency of notice. Volume **II,** section **942.**

Sitting Member waived objection as to the specifications of the notice by not making it when the testimony was taken. Volume **II,** section **864.**

ELECTIONS OF REPRESENTATIVES—Continued.

(259) Pleadings.—Informal, Irrelevant, and Improper—Continued.

Where contestant offered evidence not specified in notice of contest and the answer was not served within the legal time the House still considered all the evidence. Volume **II,** section **1052.**

Instance wherein a return was rejected and count aliunde admitted without request for the same in contestant's notice. Volume **II,** section **964.**

Instance wherein an Elections Committee considered a question not raised in the notice contest. Volume **I,** section **643.**

The committee considered an issue covered by testimony admitted without objection, although not specified in the pleadings. Volume **II,** section **850.**

If the contestant shows a return illegal, does the burden fall on contestee to prove the vote when contestant has not attacked it in his notice? Volume **II,** section **948.**

Form of resolution providing for notice and answer in election case after expiration of time prescribed by law. Volume **I,** section **680.**

The Elections Committee examined a question raised in the notice of contest, although it had not been insisted on in the argument of contestant. Volume **II,** section **878.**

Contestant's notice having specifically demanded the rejection of an entire precinct, the Committee on Elections corrected the poll, although rejection appeared justifiable. Volume **II,** section **875.**

For exceptional reasons the House may authorize an election case to be made up as to notice and answer after the time prescribed by law. Volume **I,** section **680.**

Does the fact that an election case is instituted by a memorial instead of on pleading under the law justify a different rule of evidence? Volume **II,** section **988.**

The pleadings in both the notice and answer being bad, the committee condemned them, but examined the case. Volume **II,** section **850.**

Illustration of specifications so vague as to destroy the validity of the notice of contest. Volume **II,** section **972.**

Illustration of a notice of contest deficient in the particularity of its specifications. Volume **II,** section **942.**

Illustration of a vague and uncertain specification in a notice of contest, which was nevertheless considered. Volume **II,** section **909.**

Example of a general specification in a notice of contest which does not meet the requirements of the law. Volume **II,** section **848.**

Illustration of a specification in a notice of contest condemned as too general. Volume **II,** section **905.**

A notice of contest condemned in an election case as inadequate. Volume **I,** section **682.**

Form of a petition in an election case deemed too general and indefinite in its charges. Volume **I,** section **778.**

The House was disinclined to extend the time of taking testimony in order to procure testimony on points not referred to in the original notice of contest. Volume **II,** section **1006.**

The Elections Committee declined to recommend the reopening of a case for further testimony on facts not set forth in the notice or substantiated by testimony. Volume **II,** section **1063.**

A vote challenged in notice of contest by either party is a proper subject of investigation. Volume **I,** section **588.**

(260) Pleadings.—Waivers, Admissions, etc.

The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer. Volume **I,** section **680.**

Admission by contestant that his evidence is of doubtful sufficiency is held to amount to waiver of the allegation. Volume **II,** section **588.**

A contestant having conceded certain votes on a construction of law at variance with the committee's, the votes were left to his credit. Volume **II,** section **1010.**

ELECTIONS OF REPRESENTATIVES—Continued.

(260) Pleadings.—Waivers, Admissions, etc.—Continued.

A recital of apparent facts in the notice of contestant, such as the figures of a returned vote, may not be construed as a concession of the truth thereof. Volume **II,** section **1024.**

As to the force of admissions by counsel during argument of an election case. Volume **II,** section **1130.**

Admissions in the brief of a party to a contest are of force if not contrary to proven facts. Volume **II,** section **1130.**

Counsel for contestee having admitted the justice of contestant's contention that certain returns ought to be excluded on account of fraud, it was held that the vote from those precincts should not be counted for either contestant or contestee. Volume **VI,** section **134.**

Contestant having agreed to abide by decision of election commissioners is precluded from disputing the result of their count. Volume **VI,** section **117.**

It being admitted that the contestee had a majority of the votes cast, the committee declined to pass on disputed ballots submitted for their consideration. Volume **VI,** section **169.**

(261) Pleadings.—Evidence to be Confided Within the Allegations of.

Contestant's case should be limited to the allegations of his notice of contest. Volume **II,** section **1107.**

The contestant in an election case must confine his proof to the allegations of his notice. Volume **I,** section **640.**

The House decided that in an election case introduced by a petition the petitioner should not give evidence of any fact not alleged in the petition. Volume **I,** section **679.**

The House will not examine testimony as to a precinct not included in the notice of contest. Volume **II,** section **1015.**

Objection having been made by contestee to evidence on points not put in issue by contestant's notice, the evidence was rejected. Volume **II,** section **855.**

Evidence is not admitted on a point as to which there was a total failure to plead in the answer. Volume **II,** section **934.**

The Elections Committee examined a question raised in the notice of contest, although it had not been insisted on in the argument of contestant. Volume **II,** section **878.**

A vote challenged in notice of contest by either party is a proper subject of investigation. Volume **I,** section **588.**

Although contestant claimed in his notice that blurred ballots should not be counted for contestee, and did not ask that they be counted for himself, the committee counted them for both. Volume **II,** section **1077.**

Contestant's notice not having specifically demanded the rejection of an entire precinct, the Committee on Elections corrected the poll, although rejection appeared justifiable. Volume **II,** section **875.**

Where contestant's case did not overcome returned Member's majority, the House did not consider the returned Member's countercharges. Volume **II,** section **1084.**

A contestant must put in evidence the returns of the district as a basis for showing the effect of his charges. Volume **II,** section **1100.**

While not obliged to consider any issue not specifically raised in the pleadings, the House may do so if the integrity of the election appears thereby to be conserved. Volume **VI,** section **94.**

In submitting evidence of illegal voting, parties to a contested proceedings are confined to the names of alleged illegal voters set forth in the pleadings. Volume **VI,** section **159.**

Counsel for the contestant having conceded that a recount of the ballots was all that was relied on and that if a recount did not overcome the contestee's plurality the contest would be dismissed, the committee held it was not warranted on the pleadings in recounting the ballots but permitted an amendment of pleadings to justify recount. Volume **VI,** section **170.**

ELECTIONS OF REPRESENTATIVES—Continued.

(262) Pleadings.—Treatment of Questions Not Included in.

Instance wherein an Elections Committee considered a question not raised in the notice of contest. Volume **I,** section **643.**

When both sides have, without objection, investigated an alledged illegal vote, failure to specify it in notice of contest may not be urged. Volume **I,** section **588.**

The committee considered an issue covered by testimony admitted without objection, although not specified in the pleadings. Volume **II,** section **850.**

Instance wherein a return was rejected and count aliunde admitted without request for the same in contestant's notice. Volume **II,** section **964.**

Objection to the legality of the constitution of an election district, not raised in the notice of contest, was not considered. Volume **II,** section **893.**

Contestee having objected when certain evidence was taken that it was not covered by the notice, the Elections Committee sustained the objection. Volume **II,** section **880.**

The House was disinclined to extend the time of taking testimony in order to procure testimony on points not referred to in the original notice of contest. Volume **II,** section **1006.**

Where contestant offered evidence not specified in notice of contest, and the answer was not served within the legal time, the House still considered all the evidence. Volume **II,** section **1052.**

If the contestant shows a return illegal, does the burden fall on contestee to prove the vote when contestant has not attacked it in his notice? Volume **II,** section **948.**

An instance wherein the committee, overruling a demurrer conceded to be well taken, elected to decide the case on the pleadings, affidavits, exhibits, and statements of counsel and parties. Volume **VI,** section **170.**

(263) Privilege of Questions Relating to.—Vacancies, Exclusion, etc.

A question relating to the existence of a vacancy in the membership of the House was held to be of privilege. Volume **III,** section **2588.**

A resolution notifying the governor of a State of a vacancy in the representation of a district is presented as a question of privilege. Volume **III,** section **2589.**

A resolution proposing the exclusion of a delegate from his seat presents a question of privilege. Volume **III,** section **2594.**

(264) Privilege of Questions Relating to.—Matters not Within.

No question of privilege is involved in the claim of a person to a seat in pursuance of the demand of a State for a representation greater than that allowed by law. Volume **III,** section **2592.**

A Member having resigned, a question as to his right to his seat was not entertained as a question of privilege. Volume **III,** section **2590.**

A resolution directing the Elections Committee to report an election case may not have precedence as a question of privilege. Volume **III,** section **2584.**

The House declined to consider as privileged a resolution that a former Member be permitted to withdraw his letter announcing his resignation and resume his seat. Volume **II,** section **1213.**

A proposition relating to the pay of a contestant for a seat is not a question of privilege. Volume **I,** sections **674, 675.**

A proposition relating to the admission of a Delegate from an unorganized Territory was held not to be a question of privilege. Volume **I,** section **411.**

A paper in the nature of a memorial condemning the decision of the House in an election case was held not to involve a question of privilege. Volume **III,** section **2591.**

(265) Privilege of Questions Relating to.—In General.

The consideration of an election case is a matter of the highest privilege. Volume **VI,** section **180.**

ELECTIONS OF REPRESENTATIVES—Continued.

(265) Privilege of Questions Relating to.—In General—Continued.

Consideration of a contested-election case presents a question of high privilege which takes precedence of a question involving the privilege of the House generally. Volume **VI,** section **572.**

A resolution relating to the right a member has to his seat was entertained as a question of privilege although the organization of the House had not been completed. Volume **VI,** section **86.**

The right of a Member to his seat presents a question of privilege, and takes precedence of other business. Volume **III,** sections **2579, 2580.**

Overruling the Speaker, the House in 1840 decided to receive as a matter of privilege a report in an election case (footnote). Volume **I,** section **794.**

A resolution providing for an investigation of the election of a Member presents a question of privilege. Volume **III,** section **2586.**

A claimant to a seat, with papers indicating his election, is entitled to have them presented as a question of privilege. Volume **III,** section **2587.**

The claim of a person to a seat may be presented as a question of privilege, although the Clerk may have enrolled another person as entitled to the seat. Volume **III,** section **2593.**

A resolution for the investigation of the right of a claimant to a seat presents a question of privilege. Volume **I,** section **328.**

The latest ruling establishes the principle that a proposition relating to the right of a Member to his seat may be acted on at once without reference to a committee. Volume **III,** sections **2582, 2583.**

The right of a Member to his seat may come up at any time as a question of privilege, even though the subject may have been referred to a committee. Volume **III,** section **2584.** Volume **VIII,** section **2307.**

Resolutions to seat a contestant are privileged, even though the case may still be pending in committee. Volume **I,** section **742.**

A motion to discharge a committee from the considerations of a contested election case presents a question of the highest privilege. Volume **III,** section **2585.**

A resolution providing for the prosecution of an election case is presented as a question of privilege. Volume **I,** section **322.** Volume **II,** section **1018.**

Instance wherein a returned Member presented as a question of privilege a proposition to reopen his election case for further testimony. Volume **II,** section **1062.**

A resolution for the employment of a hand-writing expert in an election case was admitted as privileged. Volume **I,** section **673.**

A resolution relating to an alleged abuse of the privileges of the floor does not present a question of higher privilege than an election case. Volume **III,** section **2626.**

It has been held that an election case may not supersede the consideration of a proposition of impeachment. Volume **III,** section **2581.**

The question of consideration may be demanded against a question of the highest privilege, such as the right of a Member to his seat. Volume **V,** section **4941.**

The oath having been administered to other Members-elect, a resolution relating to the election of a Member elect temporarily denied administration of the oath was entertained as a matter of the highest privilege. Volume **VI,** section **174.**

A resolution granting further time for taking testimony in an election case was admitted as privileged. Volume **II,** section **956.**

The call of committees takes precedence of a contested-election case called up on Calendar Wednesday. Volume **VII,** section **903.**

A contested-election case may not supplant the call of the Consent Calendar. Volume **VII,** section **988.**

ELECTIONS OF REPRESENTATIVES—Continued.

(266) Prima Facie Title.—Effect and Significance of Credentials.

The certificate of the governor of a State as to the election of a Member is only prima facie evidence of the fact. Volume **I,** section **637.**

Discussion of the elements of a prima facie case as made out by the credentials of a Member-elect. Volume **I,** section **552.**

Reference to historical facts in determining prima facie effect of regular credentials. Volume **I,** section **327.**

Discussion of the judicial knowledge which must exist to justify giving prima facie effect to credentials. Volume **I,** section **352.**

In determining prima facie right the majority of the Elections Committee, in a sustained report, declined to consider papers other than those coming legally from the proper certifying officers of the district. Volume **I,** section **556.**

Credentials in due form issued by an officer intrusted by law with that function were held to establish prima facie right against the certificate of another officer showing the actual state of the vote. Volume **I,** section **619.**

Discussion as to whether or not credentials which required reference to State law to make certain their import should be given prima facie effect. Volume **I,** section **522.**

The action of the Clerk in enrolling a Member-elect does not prevent the House from questioning the prima facie force of the credentials. Volume **I,** section **592.**

Positions of the claimants relating to prima facie right in the "broad seal case." Volume **I,** section **792.**

The Senate does not consider questions arising on the credentials until the beginning of the term to which they refer (footnote). Volume **I,** section **652.**

The right of a Member-elect to take the oath being challenged, the Speaker directed him to stand aside temporarily. Volume **VI,** section **174.**

In the "broad seal case" the Elections Committee, while admitting the prima facie effect of regular credentials, at first decided to investigate only final right. Volume **I,** section **793.**

A claimant to a seat with papers indicating his election is entitled to have them presented as a question of privilege. Volume **III,** section **2587.**

Credentials regular in form have been presented as a matter of privilege, although the status of the constituency was, by reason of civil war, in doubt. Volume **I,** section **361.**

An instance wherein the Elections Committee reported on both prima facie and final right after one of the parties to the contest had taken the oath. Volume **I,** section **538.**

In its early years the House referred credentials for examination of prima facie right after the bearer had been seated. Volume **I,** sections **565, 566.**

The House has examined validity of election and qualifications of a claimant when determining prima facie title, leaving final right for later inquiry. Volume **I,** section **328.**

The Senate seated a Senator-elect on prima facie showing of his election by a legislature, although his election for a prior term had been found by a committee invalid because of bribery. Volume **I,** section **695.**

The House admits on his prima facie showing and without regard to final right, a Member-elect from a recognized constituency, whose credentials are in due form and whose qualifications are unquestioned. Volume **I,** sections **528–534.**

The House should not disturb the prima facie title of a Member already seated on credentials in due form and unimpeached by anything properly presented to the House. Volume **I,** section **537.**

The House having passed on the prima facie title to the seat, the Elections Committee declined to reopen that question. Volume **II,** section **847.**

In 1839 at the organization of the House the Members-elect did not permit five persons bearing regular credentials to participate in the organization. Volume **I,** section **103.**

A contention that the admissions of a claimant might not waive a prima facie title in which the people of the district were interested. Volume **I,** section **45.**

ELECTIONS OF REPRESENTATIVES—Continued.

(266) Prima Facie Title.—Effect and Significance of Credentials.—Continued.

Although apparently satisfied as to prima facie right, the House did not seat an indifferent claimant who had also filed credentials as a Senator-elect. Volume **I,** section **623.**

A Senate committee's discussion of the functions of credentials in the organization of a legislature. Volume **I,** section **631.**

The House having passed on the prima facie right, declined, pending decisions as to final right, to reconsider the action, although examination had shown the credentials to be irregular. Volume **I,** section **615.**

In determining prima facie right the House may take cognizance of public statutes, proclamations made by public officials under the law, and matters of history. Volume **I,** section **623.**

Credentials issued in violation of law, to reverse the facts of the canvass of votes, do not give prima facie right, although issued by the lawful officer. Volume **I,** section **599.**

A Senate committee's discussion of the functions of credentials in the organization of a legislature. Volume **I,** section **631.**

The House declined to admit the Member-elect from Illinois until the State had been formally admitted to the Union. Volume **I,** section **396.**

The House declined to admit the Member-elect from Michigan, except as a spectator, until the act admitting Michigan to the Union had become a law. Volume **I,** section **397.**

The House has sworn in on a prima facie showing Members-elect chosen at an election, the day, etc., of which was fixed by the schedule of a constitution adopted on that election day. Volume **I,** section **520.**

The Senate declined to admit the persons bearing credentials as Senators-elect from Tennessee until that State had been admitted to the Union. Volume **I,** section **398.**

The Senate declined to admit a Senator-elect from Minnesota until a formal act of admission had been passed by Congress. Volume **I,** section **399.**

(267) Prima Facie Title.—Relations of Credentials to Returns.

Credentials should be based on the face of the returns and not on an examination of the votes. Volume **I,** section **541.**

Credentials issued in violation of law to reverse the facts of the canvass of votes do not give prima facie right, although issued by the lawful officer. Volume **I,** section **599.**

The House very reluctantly gave prima facie effect to a certified abstract of returns by law. Volume **I,** section **37.**

In determining prima facie right the House went behind a certificate in due form, the bearer of which waived his prima facie right, and consulted the returns. Volume **I,** section **45.**

Instance wherein the House, disregarding the certificate of the governor, ascertained prima facie right on the returns of the local officers. Volume **I,** section **794.**

In a case where there were no credentials, the House, in examining as to prima facie right, declined to permit the election returns to be considered by the committee. Volume **I,** section **559.**

In ordering an investigation as to prima facie right the House referred with the credentials documents showing the state of the returns. Volume **I,** section **44.**

The House declined to give prima facie title to a contestant on the strength of the returns, although the bearer of the credentials waived his prima facie right. Volume **I,** section **45.**

In ascertaining prima facie title the governor should make intelligible an obscure return from the records of a returning board when said board has the functions of a court of record. Volume **I,** section **582.**

The law requiring a return to "set forth in words at length" the number of votes, the governor in awarding prima facie right should construe an obscure word as a word in full, not an abbreviation. Volume **I,** section **582.**

ELECTIONS OF REPRESENTATIVES—Continued.

(267) Prima Prima Facie Title.—Relations of Credentials to Retuns—Continued.

Criticism of a governor who issued a certificate on a canvass omitting decisive county returns because of legal proceedings to secure a recount. Volume **II,** section **1036.**

The law requiring a formal proclamation of the governor, the House declined to give prima facie effect to an informal executive communication, especially as the House had the returns. Volume, **I,** section **559.**

The House, acting on a divided report, determined the prima facie right by the returns of the district certifying officers, although they were impeached by accompanying papers. Volume **I,** section **556.**

State canvassers being a court of record, their signed record, approved by the State courts, give prima facie title, although at variance with their formal proceedings. Volume **II,** section **927.**

A county board, charged by law with the immediate canvassing and transmittal of precinct results, may not change a prima facie result by correcting alleged errors in precinct returns. Volume, **I,** section **538.**

The acts of county canvassing officers being impeached, their returns must be disregarded, and the precinct returns should be consulted in awarding prima facie title. Volume **I,** section **577.**

A divided committee once held that canvassers, not having judicial authority, should count votes returned under variations of name in determining prima facie right. Volume **II,** section **986.**

The House declined to consider, in the assignment of prima facie title, a question of law as to rejection of votes by canvassing officers. Volume **I,** section **328.**

Although a Member stated that credentials were based on forged returns, the House seated the bearer, there being no conflicting credentials. Volume **I,** section **539.**

Proceedings at organization of the House in the New Jersey or "broad seal" contest of 1839. Volume **I,** section **103.**

A precinct return defective because the certificate of oaths of election officers was wanting, but supplemented by a paper containing the required certificate, was accepted by the House, the State law forbidding rejection for mere informalities. Volume **I,** section **557.**

The person elected dying before credentials are issued, the minority candidate may not receive the credentials. Volume **I,** section **323.**

The House declined to honor credentials regular in form but issued in disregard of a State law requiring them to be issued after and not before the canvassing officers had made returns. Volume **I,** section **623.**

While the Clerk may not give prima facie effect to credentials not explicitly showing the bearers to be duly elected, the House has done so after examining the returns. Volume **I,** section **328.**

In determining prima facie right the majority of the Elections Committee, in a sustained report, declined to consider papers other than those coming legally from the proper certifying officers of the district. Volume **I,** section **556.**

Where the State law does not make it the duty of an officer to make a report of the votes cast, a report from the officer is not accepted as evidence of the vote. Volume **II,** section **1054.**

A State court decision that the formal returns of election officers should prevail over accompanying memoranda on sample ballots transmitted in accordance with law. Volume **I,** section **574.**

Election officers should return all votes cast in the Congressional box, even though for persons not qualified. Volume **I,** section **779.**

A recount, although authorized by law, does not avail to overthrow the count of the election officers unless the ballots are affirmatively shown to have been kept inviolate. Volume **II,** section **1020.**

ELECTIONS OF REPRESENTATIVES—Continued.

(267) Prima Facie Title—Relations of Credentials to Returns—Continued.

Where election officers did not follow State law and draw out an excess of ballots the Elections Committee deducted proportionately. Volume **II,** section **904.**

The House rejected a vote found by the judges in an irregular place and counted in spite of the fact that it caused an excess in the poll. Volume **I,** section **562.**

Election officers are justified in refusing to count for a candidate for Congress ballots cast in a box other than the Congressional box. Volume **I,** section **779.**

(268) Prima Facie Title.—Where Credentials in Substance Form Raise a Question.

Credentials which, on their face, implied that the one having prima facie right did not have the final right were not honored either by the Clerk or the House. Volume **I,** section **609.**

A person bearing credentials which, on their face, showed that the governor issuing them was doubtful as to who was actually elected was seated by the House, there being provisions of law to justify the governor's act. Volume **I,** section **601.**

Credentials issued by a governor raising a doubt as to election, the Clerk and the House declined to allow to them prima facie effect, although positive credentials authorized by the State legislature accompanied. Volume **I,** section **522.**

The House has declined to admit on prima facie showing persons whose elections and credentials appeared defective. Volume **I,** section **589.**

The House declined to give prima facie effect to credentials perfect in form but referring to an election on a day of doubtful legality. Volume **I,** section **523.**

The House honored credentials regular in form but impeached by a document alleging that the election was not held on the day provided by law. Volume **I,** section **540.**

An instance wherein the House gave prima facie effect to papers not in form of credentials and which raised a technical question as to the election. Volume **I,** section **590.**

Two claimants appearing with conflicting credentials at the time of organization, the Members-elect examined and determined which should vote. Volume **I,** section **803.**

Credentials being impeached by a paper from a Territorial officer, the House declined to permit the oath to be administered until the prima facie right had been examined. Volume **I,** section **541.**

In 1859 the Clerk enrolled a Member-elect who had no regular certificate, but who presented an official statement from the State authorities showing his election. Volume **I,** section **597.**

The House has declined to permit the oath to be taken by persons whose credentials had procured their enrollment by the Clerk. Volume **I,** section **589.**

In the Senate, where credentials have on their face raised a question as to the constitutionality of the appointment, the bearer has not been seated on prima facie showing. Volume **I,** section **611.**

A Senator, having resigned apparently to escape being unseated for bribery, was not readmitted on credentials showing appointment by an acting governor. Volume **I,** section **694.**

Member-elect from Tennessee were seated in 1871 on prima facie showing, although there was a question as to whether or not the day of their election was the legal day. Volume **I,** section **521.**

The House has sworn in on a prima facie showing Members-elect chosen at an election the day, etc., of which was fixed by the schedule of a constitution adopted on that election day. Volume **I,** section **520.**

There being conflicting credentials arising from a question as to the legality of election and an allegation of disqualification, the Senate determined final right before either claimant was seated. Volume **I,** section **632.**

Instance wherein the House decided an election contest against a returned Member who has not appeared to claim the seat. Volume **I,** section **649.**

ELECTIONS OF REPRESENTATIVES—Continued.

(268) Prima Facie Title.—Where Credentials in Substance or Form Raise a Question— Continued.

The House has given to a committee the right to decide on either the prima facie or final right to a seat before authorizing the oath to be administered to a Delegate. Volume **I,** section **471.**

Credentials issued in violation of law to reverse the facts of the canvass of votes do not give prima facie right, although issued by the lawful officer. Volume **I,** section **599.**

The Senate decided that a person presenting credentials in due form should be sworn in, although a question had been raised as to his election. Volume **I,** section **545.**

(269) Prima Facie Title.—Questions as to, and Their Relations to Final Right.

Instance wherein the House ordered its committee to report on prima facie right before ascertaining final right. Volume **I,** section **794.**

Instance wherein questionable prima facie right was not disturbed pending decision as to final right. Volume **I,** section **812.**

The Elections Committee in determining prima facie right declined to open evidence relating to final right. Volume **I,** section **794.**

In 1833 the House declined to seat either claimant to a seat until the final right should be determined. Volume **I,** section **53.**

In 1882 the House declined to permit the oath to be administered to either of two contesting Delegates until the papers in relation to the prima facie right had been examined by a committee. Volume **I,** section **471.**

An instance wherein the House seated neither of two claimants on prima facie showing, deferring the administration of the oath until the ascertainment of final right. Volume **I,** section **45.**

Instance wherein credentials were referred to a committee with instructions to inquire either as to prima facie or final right. Volume **I,** section **523.**

In the case of Brigham H. Roberts the committee reported at one and the same time on both the prima facie and final right. Volume **I,** section **474.**

A governor having declined to issue credentials because of doubt as to the election the House, in 1796, determined the final right before seating the one surviving claimant. Volume **I,** section **554.**

The Elections Committee declined to favor giving a petitioner prima facie title to a seat because a partial investigation showed a majority for him. Volume **I,** section **772.**

A person having been seated on credentials regular in form but improperly issued, the Elections Committee in a sustained case ascertained prima facie right in favor of contestant. Volume **I,** section **582.**

An instance wherein an elections committee in a sustained case ascertained prima facie title after the sitting Member had taken the seat. Volume **I,** section **578.**

In the Kentucky cases in 1868 a contest was presented and sustained against a person whom the House had refused the oath on his prima facie showing. Volume **I,** section **450.**

In 1839 certain persons whose titles as Members-elect were contested assumed to participate in the organization, but the meeting passed on the vote of each after it had been given. Volume **I,** section **103.**

An instance wherein at the organization of the House, before the enactment of the law as to the Clerk's roll, two claimants to a seat were present and participated in the proceedings. Volume **I,** section **53.**

In a case wherein a governor declined to sign the credentials of a Senator-elect the Senate admitted the claimant after examination of final right. Volume **I,** section **353.**

Instances wherein the persons seated after examination of prima facie right were unseated after examination of final right. Volume **I,** sections **37, 542, 558, 604.**

An instance wherein the Elections Committee reported on both prima facie and final right after one of the parties to the contest had taken the oath. Volume **I,** section **538.**

ELECTIONS OF REPRESENTATIVES—Continued.

(269) Prima Facie Title.—Questions as to, and Their Relations to Final Right—Contd.

An instance wherein the House authorized an investigation of the credentials and election of persons already seated on prima facie showing. Volume **I,** section **547.**

The Senate decided that a person presenting credentials in due form should be sworn in, although a question had been raised as to his election. Volume **I,** section **545.**

Proceedings at organization of the House in the New Jersey or "Broad Seal" contest of 1839. Volume **I,** section **103.**

Positions of the claimants relating to prima facie right in the "Broad Seal case." Volume **I,** section **792.**

The House has examined validity of elections and qualifications of a claimant when determining prima facie title, leaving final right for later inquiry. Volume **I,** section **328.**

The House has given to a committee the right to decide on either the prima facie or final right to a seat before authorizing the oath to be administered to a Delegate. Volume **I,** section **471.**

Form of resolution instituting a contest in a case wherein neither claimant is seated on prima facie showing. Volume **I,** section **559.**

In the Kentucky cases in 1868 a contest was presented and sustained against a person to whom the House had refused the oath on his prima facie showing. Volume **I,** section **452.**

(270) Prima Facie Title.—Unquestioned, and Relation to Final Right Thereto.

The House sometimes seats members-elect on their prima facie showing, stipulating that this shall not preclude examination as to the final right. Volume **I,** section **519.**

Form of resolutions for seating a claimant on prima facie showing and for the institution of a contest on the merits. Volume **I,** section **556.**

The House gave prima facie effect to the credentials of certain Members, although the legality of the manner of their election was questioned. Volume **I,** section **309.**

The House assigned prima facie title to a claimant, although papers accompanying the credentials raised a question as to the final right. Volume **I,** section **328.**

The House gave prima facie effect to credentials, although there appeared a question as to the regularity of the writs of election. Volume **I,** section **518.**

There being a question as to a Member's election, he was sworn in and his credentials were referred to a committee with instructions. Volume **I,** section **544.**

A vacancy in a contested seat being filled by a special election, the House seated the new Member on his credentials, but held that his final right must depend on the issue of the contest. Volume **I,** section **735.**

The House gave prima facie effect to regular credentials, although a contestant claimed the seat made vacant by death of the bearer's predecessor. Volume **I,** section **571.**

Neither claimant to a seat having credentials, the House referred the papers with instructions that the prima facie right be determined without prejudice to a later contest on the merits. Volume **I,** section **556.**

Form of resolution seating a person on prima facie showing, without prejudice to the rights of a contestant. Volume **I,** section **601.**

The House having passed on the prima facie right declined, pending decision as to final right, to reconsider the action, although examination had shown the credentials to be irregular. Volume **I,** section **615.**

An instance wherein the House, at the time of organization, declined to give prima facie effect to credentials in due form, but impeached by documents relating to the fact of election. Volume **I,** section **791.**

An instance wherein the claimant seated on prima facie showing was unseated after examination of final right. Volume **I,** sections **37, 542, 558, 604,** .

The Senate gave immediate prima facie effect to regular credentials, although a memorial impeached the regularity and legality of the election. Volume **I,** section **551.**

ELECTIONS OF REPRESENTATIVES—Continued.

(270) Prima Facie Title.—Unquestioned, and Relation of Final Right Thereto—Contd.

In the Senate, in 1857, credentials regular in form were honored, although a memorial from the State legislature impeached the election of the bearer. Volume **I,** section **543.**

A Senator-elect took the oath on his prima facie right without challenge, although charges of bribery in his election were presented immediately thereafter. Volume **I,** section **692.**

The Senate seated a Senator-elect on prima facie showing of his election by a legislature, although his election for a prior term had been found by a committee invalid because of bribery. Volume **I,** section **695.**

The certificate of a State executive, issued in strict accordance with State law, does not prevent examination of the votes by the House and a reversal of the return. Volume **I,** section **637.**

Instance wherein, after a delayed decision as to the prima facie right, the House itself fixed the time for instituting proceedings to contest. Volume **II,** section **1042.**

The revocation of credentials having reversed the position of the parties, the House, by resolution, authorized investigation without regard to notice. Volume **I,** section **687.**

The credentials of a Member-elect having been challenged, the Speaker submitted the question to the House. Volume **VI,** section **89.**

Instance wherein the Senate, overruling the recommendation of its committee, seated a Senator designate whose credentials the committee had reported to be invalid. Volume **VI,** section **173.**

The Senate has entertained no doubt of its right to look behind the credentials given by a governor to the facts of the electioin. Volume **V,** section **5963.**

(271) Prima Facie Title.—As Related to Apportionment.

The House declined to give prima facie effect to credentials regular in form, relating to a seat in addition to those to which the State was entitled. Volume **I,** section **318.**

The House gave prima facie effect to the perfect credentials of a State delegation, declining at that time to inquire whether or not the election was invalidated by choice of three persons for two seats. Volume **I,** section **519.**

(272) Prima Facie Title.—As Related to Question of Vacancy.

The House declined to give prima facie effect to credentials regular in form but relating to seats already occupied. Volume **I,** section **518.**

A claimant presenting credentials for a seat occupied by a Member already sworn in, they were referred to a committee but were not acted on. Volume **I,** section **570.**

A person appearing with credentials intended to entitle him to a seat already occupied, the House declined to seat him at once and referred the credentials. Volume **I,** section **569.**

Although the claimant for a seat presented unimpeachable credentials, the House declined to seat him until it had determined that the seat was actually vacant. Volume **I,** section **322.**

The House declined to seat a person bearing credentials regular in form until it had ascertained whether or not the seat was vacant. Volume **I,** sections **565, 567.**

A seat having been adjudged vacant, the House yet declined to admit a claimant whose final right was then under examination. Volume **I,** section **327.**

The House seated a person bearing regular credentials on ascertaining that his predecessor in the same Congress had accepted a military office. Volume **I,** section **572.**

There being a question as to a vacancy to be filled, the Senate examined the case before administering the oath to a bearer of regular credentials. Volume **I,** section **573.**

The Senate has admitted a person elected while the case of another claimant to the seat was yet pending. Volume **I,** section **353.**

A Member-elect producing credentials showing his election to fill the vacancy caused by the decease of his predecessor is sworn in at once, although no other notice of the decease may have been given to the House. Volume **I,** section **568.**

ELECTIONS OF REPRESENTATIVES—Continued.

(272) Prima Facie Title.—As Related to Question of Vacancy—Continued.

A Member whose seat had been contested dying, the House did not admit a claimant with credentials until contestant's claim was settled. Volume **I,** section **326.**

The House gave prima facie effect to regular credentials, although a contestant claimed the seat made vacant by death of the bearer's predecessor. Volume **I,** section **571.**

In 1847 Thomas W. Newton presented credentials showing his election in place of Archibald Yell, of Arkansas, who was an officer in the Army, and was admitted on his prima facie right. Volume **I,** section **489.**

The credentials of a Member-elect indicating that he had been elected before the resignation of his predecessor took effect, objection was made and the oath was not administered until new credentials were produced. Volume **I,** section **596.**

A State executive having issued credentials in due form on the assumption that a Senator had vacated his seat by accepting an Army office, the credentials were referred and the bearer was not seated. Volume **I,** section **491.**

A vacancy in a contested seat being filled by a special election, the House seated the new Member on his credentials, but held that his final right must depend on the issue of the contest. Volume **I,** section **735.**

The Clerk declined to enroll claimants bearing credentials referring to an election by virtue of which the said claimants had already held seats in the preceding Congress. Volume **I,** section **388.**

(273) Prima Facie Title.—As Related to General Status of Constituency.—House Precendents.

The House admits, on his prima facie showing and without regard to final right, a Member-elect from a recognized constituency whose credentials are in due form and whose qualifications are unquestioned. Volume **I,** sections **528–534.**

Discussion of the form of credentials and the competency of the electing and certifying authorities behind them as elements in their efficacy. Volume **I,** section **350.**

The holder of credentials in due form, whose prima facie title is not contested, may not take the seat if a question exists as to the competency of the constituency. Volume **I,** section **375.**

In 1867 the Elections Committee took the view that charges of the disloyalty of a constituency should not prevent a person holding a regular certificate from taking a seat on his prima facie right. Volume **I,** section **448.**

Credentials being in regular form and unimpeached, the House honors them, although there may be a question as to the proper limits of the constituency. Volume **I,** section **535.**

The House declined to give immediate prima facie effect to credentials when historic facts impeached the authority of the governor and the legality of the election. Volume **I,** section **519.**

The Clerk having honored credentials from a de facto governor, the House confirmed the prima facie title, although there was a conflicting certificate from an alleged de jure governor. Volume **I,** section **614.**

Discussion of the status of a governor de facto as distinguished from an usurper. Volume **I,** section **350.**

(274) Prima Facie Title.—New States.

Persons bearing credentials from newly organized States have not been admitted to membership until the admission of the States to the Union. Volume **I,** sections **396–399.**

The Speaker asked the decision of the House when a Member-elect from a State not yet admitted to the Union presented himself to be sworn. Volume **I,** section **396.**

(275) Prima Facie Title.—Unorganized Territories.

The House declined to give prima facie effect to credentials from a Territory not yet organized. Volume **I,** section **410.**

ELECTIONS OF REPRESENTATIVES—Continued.

(275) Prima Facie Title.—Unorganized Territories—Continued.

The House declined to give prima facie effect to the credentials of a Delegate elected by a convention in an unorganized Territory. Volume **I,** section **405.**

After the passage of the act organizing the Territory of Wyoming, but before the actual organization, the House declined to admit a Delegate elected before the passage of the act. Volume **I,** section **410.**

(276) Prima Facie Title.—Constituency Incapacitated by Insurrection.

The House declined to honor credentials regular in form but referring to a constituency notoriously incapacitated by civil war. Volume **I,** sections **362, 364, 371.**

The House declined to give prima facie title to the bearer of informal credentials referring to a constituency notoriously paralyzed by civil war. Volume **I,** sections **363, 365, 369.**

The House declined to seat on prima facie showing a claimant declared elected by the governor's proclamation, the district referred to being notoriously under duress of civil war. Volume **I,** section **368.**

The House declined to give prima facie effect to credentials in the form prescribed by a government already suspended and referring to a district distracted by war. Volume **I,** section **374.**

The House denied prima facie title to a person enrolled by the Clerk on credentials signed by a mere claimant to the governorship in a State disrupted by civil war. Volume **I,** section **376.**

The House as a matter of course declined to give prima facie effect to credentials emanating form the loyal provisional government of a State lately in secession. Volume **I,** section **380.**

The House declined to give prima facie effect to credentials signed by the military governor of a State lately in secession. Volume **I,** section **379.**

The House did not permit prima facie effect to credentials coming from a State lately in insurrection and from a government of doubtful standing. Volume **I,** section **381.**

The Senate declined to give prima facie effect to credentials regular in form but from a State known to be kept from the duress of an armed foe only by a partial military protection. Volume **I,** section **382.**

Instance wherein the Senate gave immediate prima facie effect to credentials from a de facto government in a State disturbed by civil war. Volume **I,** section **383.**

The two Houses of Congress having by law declared the State of Louisiana in a state of insurrection, the Senate in 1864 did not admit persons bearing credentials therefrom. Volume **I,** section **385.**

Credentials regular in form have been presented as a matter of privilege although the status of the constituency was, by reason of civil war, in doubt. Volume **I,** section **361.**

Person bearing credentials regular in form, but coming from communities disorganized by civil war, have been excluded until Congress should determine the status of the constituencies. Volume **I,** section **361.**

The House declined to give prima facie effect to irregular credentials , referring to a district notoriously under duress of civil war. Volume **I,** section **369.**

The House declined to give prima facie effect to regular credentials, having historic knowledge that the district was incapacitated, by civil war, from holding a regular election. Volume **I,** section **364.**

The House adjudged valid, for prima facie title, an election wherein parishes casting 14,346 out of 27,055 votes in the district were rejected. Volume **I,** section **328.**

The House declined to give prima facie effect to credentials regular in form but referring to a district notoriously under duress of civil war. Volume **I,** section **371.**

The House refused to seat a claimant chosen by a mere fraction of the people at an election informally called and held in a district under duress of armed enemies. Volume **I,** sections **363, 367, 368.**

ELECTIONS OF REPRESENTATIVES—Continued

(277) Prima Facie Title.—Constituency in Reconstruction.

In the Fortieth Congress Members-elect from States lately in secession were not admitted until a Committee had examined their credentials, qualifications, and the status of their constituencies. Volume **I,** section **386.**

After reconstruction the credentials of all the Virginia delegation were referred before the bearers were admitted. Volume **I,** section **318.**

In the days of reconstruction the two Houses, by joint rule, excluded Members-elect with credentials in due form, some entirely, others until the States were declared by law entitled to representation. Volume **I,** section **361.**

Instance wherein immediate prima facie effect was given to credentials of a Senator-elect from a reconstructed State. Volume **I,** section **390.**

The Senate declined to give prima facie effect to credentials impeached by charges that a State was not fulfilling in good faith the conditions of reconstruction. Volume **I,** section **391.**

In 1870 no one of the Members-elect from Virginia was seated until the credentials were reported on by a committee and the House had acted. Volume **I,** section **461.**

In reconstruction days the Senate deemed valid credentials signed by a provisional military governor. Volume **I,** section **430.**

The Senate declined to admit to a seat a person bearing uncontested credentials of election by a legislature representing a small fraction of the people in a seceding State. Volume **I,** section **384.**

In 1869 the House provided by resolution that the credentials of persons claiming seats from certain States should be examined by a committee before the oath should be administered. Volume **I,** section **387.**

(278) Prima Facie Title.—As Related to Qualifications.

The House decided a Member-elect entitled to a seat on his prima facie right, although knowing that his qualifications were under examination. Volume **I,** section **420.**

In 1873 the House seated Delegate George Q. Cannon on the strength of his unimpeached credentials, although it was objected that he was disqualified. Volume **I,** section **468.**

In 1870 the House declined to exclude John C. Connor, who possessed the constitutional qualifications and satisfactory credentials but whose moral character was impeached. Volume **I,** section **465.**

A question being raised as to the loyalty of a member-elect, the house has exercised its discretion about permitting him to take the oath at once. Volume **I,** sections **444–446, 449, 451, 455.**

The House declined to permit the oath to be administered to Brigham H. Roberts pending an examination of his qualifications by a committee. Volume **I,** section **474.**

The House has examined validity of elections and qualifications of a claimant when determining prima facie title, leaving final right for later inquiry. Volume **I,** section **328.**

Although it was understood that objection was made to a Senator-elect on the question of qualification, yet the oath was administered on his prima facie showing. Volume **I,** section **481.**

In 1862, before the enactment of the test oath for loyalty, the Senate, after mature consideration, declined to exclude for alleged disloyalty Benjamin Stark, whose credentials were unimpeached. Volume **I,** section **443.**

The credentials of a Senator-elect being regular and unimpeached and the election having been by the one legally organized legislature, the Senate seated the bearer at once, although charges were filed against him personally. Volume **I,** section **552.**

The Senate declined to give immediate prima facie effect to regular credentials, impeached by a memorial alleging irregularities in constitution of the State legislature and suggesting personal disqualifications of the bearer. Volume **I,** section **393.**

ELECTIONS OF REPRESENTATIVES—Continued.

(278) Prima Facie Title.—As Related to Qualifications—Continued.

There being conflicting credentials arising from a question as to the legality of election, and an allegation of disqualification, the Senate determined final right before either claimant was seated. Volume **I,** section **632.**

The Senate investigated the sanity of a Senator-elect before allowing him to take the oath. Volume **I,** section **441.**

A Senator was unseated for disqualification after he had been seated on his prima facie right. Volume **I,** section **429.**

A Member-elect whose loyalty was impeached was permitted to take the oath, and after that the House was reluctant to take action in his case. Volume **I,** section **461.**

In 1856 the Senate considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I,** section **416.**

In 1829 the House refused to direct the Speaker to administer the oath to certain persons bearing regular credentials as Members-elect, and as organ of the House he declined to administer the oath. Volume **I,** section **140.**

The Members-elect having denied to certain of their number a right to participate in the organization, the Speaker declined, without instruction of the House, to administer the oath to those thus debarred, although they presented certificates in proper form. Volume **I,** section **140.**

If a Member object the Speaker does not administer the oath to a Member-elect without the direction of the House even though the credentials be regular in form. Volume **I,** sections **135–138.**

A Member-elect, enrolled by the Clerk on his regular credentials, did not vote until his disqualifications had been removed and he had been permitted by the House to take the oath. Volume **I,** section **456.**

Members-elect challenged for alleged disqualifications have in several cases been sworn in at once, the question of their qualifications in some cases being referred to a committee for examination. Volume **I,** sections **156–159.**

As to whether or not a disqualified Member who has taken the oath may be excluded by majority vote. Volume **I,** section **420.**

May a returned Member, already sworn but found disqualified, be excluded by majority vote? Volume **II,** section **946.**

Contention that a Senator may be excluded for disqualification by majority vote, even though he may have been sworn in. Volume **I,** section **481.**

A question as to whether or not a Member who is disqualified but has been permitted to take the oath may be excluded by majority vote. Volume **I,** section **461.**

In 1856 the House considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I,** section **415.**

In 1869 the Elections Committee proposed to exclude for disloyalty one who had already been sworn in and, although the committee were reversed on the facts, the propriety of the proceeding was not questioned. Volume **I,** section **460.**

The House considered a protest as to the qualifications of a Member after he had taken the oath without objection. Volume **I,** section **426.**

Instance wherein the question of qualification was passed on after a Member-elect had been sworn in on his prima facie showing. Volume **I,** section **432.**

The Senate by majority vote unseated Albert Gallatin for disqualification after he had taken the oath. Volume **I,** section **428.**

In 1870 the House voted to administer the oath to a Member-elect on his correct prima facie showing, although a question as to his qualifications was pending before the Elections Committee. Volume **I,** section **462.**

ELECTIONS OF REPRESSENTATIVES—Continued.

(278) Prima Facie Title.—As Related to Qualifications—Continued.

Charges that a Senator-elect was disqualified did not avail to prevent his being sworn in by virtue of his prima facie right. Volume **I,** section **429.**

In the Senate, in 1856, a Senator-elect was sworn on his prima facie right, although his qualifications were questioned. Volume **I,** section **416.**

In 1870 a question was raised as to the citizenship of Senator-elect H. R. Revels, but he was seated, the Senate declining to postpone the administration of the oath in order to investigate the case. Volume **I,** section **430.**

(279) Prima Facie Title.—Examination and Decision as to.

In determining prima facie right the House may take cognizance of public statues, proclamations made by public officials under the law, and matters of history. Volume **I,** section **623.**

Certain instances wherein the House has referred credentials to the Elections Committee, the oath not being administered to the bearers. Volume **I,** section **548.**

In 1899 the House referred the case of Brigham H. Roberts to a committee with directions to report on both the prima facie and final right. Volume **I,** section **474.**

Form of resolution instructing a Committee to inquire either as to prima facie or final title to a seat. Volume **I,** section **523.**

The Speaker declined to administer the oath to a person whose prima facie right was under investigation by the House. Volume **I,** section **550.**

Although apparently satisfied as to prima facie right, the House did not seat an indifferent claimant who had also filed credentials as a Senator-elect. Volume **I,** section **623.**

A refusal of the House to strike a Member-elect's name from the Clerk's roll and a decision to administer the oath to him was held to be a final decision of prima facie right. Volume **I,** section **615.**

An instance wherein the House authorized an investigation of the credentials and election of persons already seated on prima facie showing. Volume **I,** section **547.**

In its early years the House referred credentials for examination of prima facie right after the bearer had been seated. Volume **I,** sections **565, 566.**

An instance wherein the Elections Committee reported on both prima facie and final right after one of the parties to the contest had taken the oath. Volume **I,** section **538.**

The House should not disturb the prima facie title of a Member already seated on credentials in due form and unimpeached by anything properly presented to the House. Volume **I,** section **537.**

The House having passed on the prima facie title to the seat, the Elections Committee declined to reopen that question. Volume **II,** section **847.**

Instance wherein credentials were referred to a committee with instructions to inquire either as to prima facie or final right. Volume **I,** section **523.**

A question arising as to the sufficiency of papers purporting to be credentials, the House had the papers examined by a committee before permitting the Member-elect to be sworn. Volume **I,** section **600.**

In the early practice it was the duty of the Committee on Elections to examine and report on the credentials of all the Members (footnote). Volume **I,** section **568.**

In the early years of the House the credentials were examined by the Committee on Elections, but this practice fell into disuse. Volume **I,** sections **16, 18.**

The credentials of Member-elect who appear after the organization are presented, but are not examined by a committee before the oath is administered unless there be objection. Volume **I,** section **387.**

(280) Prima Facie Title.—As Related to Burden of Proof in a Contest.

It being determined that contestant had actually been entitled to the credentials, the burden of proof was shifted to the returned Member. Volume **II,** section **986.**

The contestant must overcome contestee's prima facie right, invalidate the latter's title, and show himself entitled to the seat. Volume **II,** section **855.**

ELECTIONS OF REPRESENTATIVES—Continued.

(280) Prima Facie Title.—As Related to Burden of Proof in a Contest—Continued.

The Elections Committee having ascertained that prima facie title should have been awarded to contestant, the burden of proof was shifted to sitting Member. Volume **I,** section **578.**

The Elections Committee having ascertained that contestant rightfully was entitled to prima facie title, the burden of proof was shifted to sitting Member. Volume **I,** section **574.**

The Elections Committee, in a sustained case, shifted the burden of proof to sitting Member on ascertaining that contestant had been entitled to the credentials. Volume **I,** section **582.**

As to whether a correction of the returns changing the result may throw the burden of establishing his title on the returned Member. Volume **II,** section **1020.**

Opinion of the Elections Committee that prima facie right wrongfully conferred should not relieve returned Member of the burden of proof. Volume **II,** section **1036.**

The showing prima facie by contestant of enough illegal votes to change the result does not shift the burden of proof to contestee. Volume **II,** section **940.**

(281) Prima Facie Title.—In General.

A contention that the admissions of a claimant might not waive a prima facie title in which the people of the district were interested. Volume **I,** section **45.**

The death of the person elected creates a vacancy, although no certificate may have been awarded. Volume **I,** section **323.**

Before its committee had reported on conflicting credentials the Senate took one set of credentials from the committee and seated a claimant whose prima facie and final right and personal conduct were assailed. Volume **I,** section **628.**

A claimant to a seat in the Senate, in a case where there was no contestant and no credentials, petitioned for the seat, exhibiting evidence in support of his claim. Volume **I,** section **563.**

A legislative body, recognized by the State executive and having an elected but not certified quorum, was once preferred to a rival body having a certified but not elected quorum. Volume **I,** section **343.**

In the Kentucky cases in 1868 a contest was presented and sustained against a person to whom the House had refused the oath on his prima facie showing. Volume **I,** section **452.**

In a case where neither claimant was seated on prima facie showing the House investigated and determined the contest, although one claimant defaulted in answering notice of contest. Volume **I,** section **624.**

Instance wherein an unsuccessful contestant for a seat in the Senate was permitted to withdraw his credentials. Volume **I,** section **352.**

(282) Qualifications of Members.—Provision of Constitution.

The Constitution provides that a Member shall fulfill certain conditions as to age, citizenship, and inhabitancy. Volume **I,** section **413.**

The House is the judge of the elections, returns, and qualifications of its own Members. Volume **I,** section **634.**

Discussion of the distinction between the power to judge of the elections, returns, and qualifications of the Members and the Members and the power to expel. Volume **I,** section **469.**

A majority of the Senate committee considered Reed Smoot's membership in a religious hierarchy that countenanced and encouraged polygamy a reason for removing him from the Senate. Volume **I,** section **482.**

Discussion of the laws of Congress against polygamy as creating a statutory disqualification. Volume **I,** section **478.**

The Committee on the Judiciary has exercised jurisdiction over legislative propositions related to marriage, divorce, and polygamy. Volume **IV,** section **4076.**

ELECTIONS OF REPRESENTATIVES—Continued.

(282) Qualifications of Members.—Provision of Constitution—Continued.

The Committee on Election of President, Vice-President, and Representatives in Congress has reported proposed constitutional amendments providing for election of Senators by the people and the disqualification of polygamists as Representatives. Volume **VI,** section **4300.**

In 1868 the House declined to pass on the title to a seat of William H. Hooper, Delegate from Utah, who was alleged to have been elected by undue influence of an alleged disloyal organization. Volume **I,** section **467.**

By the fourteenth amendment one who, having previously taken an oath as an officer of Government to support the Constitution, has engaged in rebellion, is disqualified as a Member until the disability be removed. Volume **I,** section **454.**

A Member-elect who had not been disloyal, but who could not truthfully take the oath of July 2, 1862, was not sworn until he had been relieved of his disability by law. Volume **I,** section **455.**

A bill removing the disabilities of a Member-elect and modifying the test oath for his benefit was passed by a two-thirds vote. Volume **I,** section **455.**

For persons whose disabilities had been moved, the oath of July 2, 1862, was modified by the act of July 11, 1868. Volume **I,** section **455.**

Form of resolution declaring vacant the seat of a Member-elect who has accepted an incompatible office. Volume **I,** sections **488, 490, 492.**

A resolution declaring vacant the seat of a Member who has accepted an incompatible office may be agreed to by a majority vote. Volume **I,** sections **490, 504.**

The Committee on the Judiciary has reported bills relating to the meeting of Congress, the attendance of Members, and their appointment to incompatible offices. Volume **IV,** section **4077.**

Discussion as to whether or not a Member is an officer of the Government. Volume **I,** section **417.**

Senators can not properly be said to hold their places "under the Government of the United States." Volume **II,** section **1282.**

In 1900, in a sustained report, the majority of the committee held that a Member of Congress was an officer, subject to statutory disqualifications as such. Volume **I,** section **478.**

In 1901, in a divided report, the Judiciary Committee discussed the status of the Member-elect, the major opinion being that he was as much an officer of the Government before taking the oath as afterwards. Volume **I,** section **185.**

Elaborate argument of the question whether or not a Senator is a civil officer within the meaning of the impeachment clause of the Constitution. Volume **III,** section **2316.**

Although a Member had resigned the House proceeded to inquire whether or not his acceptance of an incompatible office had vacated his title to the seat. Volume **III,** section **2590.**

Reference to an early discussion of the appointment of Members of the House to executive offices. Volume **I,** section **495.**

The House, after debate, called to the President for a list of appointments of Members of Congress to offices (footnote). Volume **III,** section **1864.**

Summary of instances wherein Members of the House and Senate have been appointed by the Executive to commissions (footnote). Volume **I,** section **493.**

Members-elect challenged for alleged disqualifications have in several cases been sworn in at once, the question of their qualifications in some cases being referred to a committee for examination. Volume **I,** sections **156–159.**

The House considered a protest as to the qualifications of a Member after he had taken the oath without objection. Volume **I,** section **426.**

In 1856 the House considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume I, section **415.**

ELECTIONS OF REPRESENTATIVES—Continued.

(282) Qualifications of Members.—Provision of Constitution—Continued.

The House decided a Member-elect entitled to a seat on his prima facie right, although knowing that his qualifications were under examination. Volume **I,** section **420.**

A question as to whether or not a Member who is disqualified, but has been permitted to take the oath, may be excluded by majority vote. Volume **I,** section **461.**

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In 1869 John M. Rice, challenged on account of alleged disloyalty, was permitted by the House to take the oath pending examination of the charges. Volume **I,** section **460.**

The Senate by majority vote unseated Albert Gallatin for disqualification after he had taken the oath. Volume **I,** section **428.**

A Senator was unseated for disqualification after he had been seated on his prima facie right. Volume **I,** section **429.**

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The Senate declined to give immediate prima facie effect to regular credentials impeached by a memorial alleging irregularities in constitution of the State legislature and suggesting personal disqualifications of the bearer. Volume **I,** section **393.**

Credentials in due form issued by an officer intrusted by law with that function were held to establish prima facie right against the certificate of another officer showing the actual state of the vote. Volume **I,** section **619.**

A memorial alleging that credentials were not in accordance with law did not prevent the House from honoring them immediately. Volume **I,** section **591.**

The House honored credentials regular in form but impeached by a document alleging that the election was not held on the day provided by law. Volume **I,** section **540.**

Credentials being impeached by a paper from a Territorial officer, the House declined to permit to oath to be administered until the prima facie right had been examined. Volume **I,** section **541.**

The House assigned prima facie title to a claimant, although papers accompanying the credentials raised a question as to the final right. Volume **I,** section **328.**

An instance wherein the House at the time of organization declined to give prima facie effect to credentials in due form, but impeached by documents relating to the fact of election. Volume **I,** section **791.**

The Senate gave immediate prima facie effect to credentials regular in form but impeached by a memorial and historical facts relating to rival legislatures. Volume **I,** section **342.**

In the Senate, in 1857, credentials regular in form were honored, although a memorial from the State legislature impeached the election of the bearer. Volume **I,** section **543.**

ELECTONS OF REPRESENTATIVES—Continued.

(282) Qualifications of Members.—Provision of Constitution—Continued.

Parties should be held to a rigid rule of diligence under the law for taking testimony in election cases, and no extension of time should be granted where this rule is violated. Volume **I,** section **606.**

The returned Member was denied an extension of time to take testimony, although he pleaded that he had been detained by his duties in the House. Volume **I,** section **726.**

The House by resolution may delegate the appointment of a commissioner to take testimony in an election case, and may prescribe the course of procedure of said commissioner. Volume **I,** section **598.**

A joint committee having taken testimony which incidentally related to the right of a Member to his seat, the same was reported to the House. Volume **I,** section **607.**

A question as to whether the duties of sitting Member to the House excuse him for neglecting to attend on taking of testimony in an election case. Volume **I,** section **785.**

The law allowing the parties in an election case, by consent in writing, to wave certain formalities in taking testimony. Volume **I,** section **699.**

Credentials bearing on their face evidence that they were not issued in accordance with the requirements of law, the Clerk declined to enroll the bearer. Volume **I,** section **605.**

The House sometimes gives prima facie effect to credentials which are so far impeached on their face that the Clerk does not feel authorized under the law governing his action to enroll the bearer. Volume **I,** section **605.**

Credentials which on their face implied that the one having prima facie right did not have the final right were not honored either by the Clerk or the House. Volume **I,** section **609.**

An instance wherein the House gave prima facie effect to papers not in form of credentials and which raised a technical question as to the election. Volume **I,** section **590.**

A person bearing credentials which on their face showed that the governor issuing them was doubtful as to who was actually elected was seated by the House, their being provisions of law to justify the governor's act. Volume **I,** section **601.**

In 1868 the House denied the oath to two persons who appeared with conflicting credentials which cast doubt on the right of either to the seat. Volume **I,** section **459.**

In 1868 the House entertained a contest for the seat of a Delegate, although the first notice of contest was irregular and the supplemental notice was not filed within the time required by law. Volume **I,** section **467.**

In the Kentucky cases in 1868 a contest was presented and sustained against a person to whom the House had refused the oath on his prima facie showing. Volume **I,** section **450.**

An instance wherein a contest was maintained against a Member-elect who had and did not take the seat. Volume **I,** section **415.**

In earlier years of the House contested election cases were presented by petition. Volume **I,** section **433.**

Instance of an election case instituted by memorial from the person claiming the seat. Volume **I,** section **322.**

An instance, after the enactment of the law regulating election contests, wherein a contest was instituted by petition. Volume **I,** section **525.**

Instance of the impeachment of the election and qualifications of a Delegate through proceedings instituted by memorial. Volume **I,** section **526.**

Ninety days are allowed for taking testimony in an election case, divided between the parties. Volume **I,** section **697.**

Testimony in an election case must be taken within ninety days from the service of the answer of the returned Member. Volume **I,** section **697.**

The law governing the service of notice by the party desiring to take a deposition in an election case. Volume **I,** section **697.**

Testimony in an election case may be taken at two or more places at the same time. Volume **I,** section **697.**

ELECTIONS OF REPRESENTATIVES—Continued.

(282) Qualifications of Members.—Provision of Constitution—Continued.

The law for summoning and examining witnesses in an election case. Volume **I,** section **700.**

The law relating to the taking and certification of depositions in an election case. Volume **I,** section **700.**

In a case where sitting Member's counsel had surreptitiously suppressed his evidence the taking of further testimony was permitted. Volume **I,** section **505.**

In asking for extension of time to take testimony in an election case affidavits should state facts showing that with proper diligence it has been impossible to take the testimony. Volume **I,** section **602.**

The sitting Member should be allowed additional time to take testimony only when the clearest evidence and strongest reasons justify the concession. Volume **I,** section **602.**

The contestant must overcome contestee's prima facie right, invalidate the latter's title, and show himself entitled to the seat. Volume **II,** section **855.**

The major part of the votes in a district being honestly given and duly canvassed, the person having a plurality of such major part was held to be elected. Volume **I,** section **759.**

The returned Member being unseated by rejection of informal ballots, the House seated the contestant. Volume **I,** section **758.**

It being impossible to determine who is elected, the House declares the seat vacant. Volume **I,** section **505.**

Instance wherein, by majority vote, the House unseated a person whose title was not contested, but whose election was invalid. Volume **I,** section **366.**

In case wherein a contestant appeared after a determination of final right to a seat by the House, the sitting Member was unseated and a vacancy declared. Volume **I,** section **518.**

Instance wherein the House decided an election contest against a returned Member who had not appeared to claim the seat. Volume **I,** sections **638, 649.**

Candidates at an inconclusive election having waived their claims, the House held that the result of a new election might not be disturbed because of alleged errors in the first election. Volume **I,** section **555.**

Instance wherein a contest was maintained and contestant seated, although the returned Member had resigned before taking his seat. Volume **II,** section **985.**

The House, overruling its Speaker, held that a negative decision on a resolution declaring a person not entitled to a seat was not equivalent to an affirmation of the title. Volume **I,** section **654.**

In voting on election cases the negativing of one proposition is not regarded as affirming its converse. Volume **I,** section **655.**

The negativing of a resolution declaring a sitting Member not elected left him undisturbed in his seat. Volume **I,** section **760.**

A question relating to a Member's right to his seat, being laid on the table, the Member continues in his functions. Volume **I,** section **461.**

The report of an election committee being laid on the table the sitting Member retains the seat. Volume **I,** section **618.**

A resolution declaring a Delegate (already seated on prima facie showing) entitled to his seat being laid on the table, his status was not thereby affected. Volume **I,** section **656.**

A resolution declaring a Delegate entitled to his seat being laid on the table, the Delegate continued to exercise his functions. Volume **I,** section **467.**

The sitting Member having announced that he conceded the election of contestant, the House passed the usual resolutions for seating the contestant. Volume **I,** section **744.**

Returned Member having acknowledged to the House, before the decision of the committee that contestant was elected, the House preferred to adopt the usual resolution before seating contestant. Volume **I,** section **742.**

Form of resolution confirming the title of sitting Member to his seat. Volume **I,** section **769.**

A division being demanded on a resolution for seating several claimants, the oath may be administered to each as soon as his case is decided. Volume **I,** section **623.**

ELECTIONS OF REPRESENTATIVES—Continued.

(282) Qualifications of Members.—Provision of Constitution—Continued.

A seat being declared vacant, the Speaker was directed to inform the executive of the State. Volume **I,** section **709.**

The seat of a Delegate being declared vacant, the Speaker was directed to inform the governor of a Territory. Volume **I,** section **773.**

(283) Qualifications of Members.—Age.

A Member-elect not being of the required age, the taking of the oath was deferred until he was qualified. Volume **I,** section **418.**

A Member-elect whose credentials were in due form but whose age was not sufficient to meet the constitutional requirement, was not enrolled by the Clerk. Volume **I,** section **418.**

(284) Qualifications of Members.—Citizenship.

The Constitution defines what shall constitute citizenship of the United States and of the several States. Volume **I,** section **419.**

An instance of citizenship conferred by treaty stipulations. Volume **I,** section **422.**

An alien naturalized by a State court not expressly empowered by the United States statute so to do was yet held to be qualified as a citizen. Volume **I,** section **421.**

A Member who had long been a resident of the country, but who could produce neither the record of the court nor his final naturalization paper, was nevertheless retained in his seat by the House. Volume **I,** section **424.**

The court record of naturalization may not be questioned collaterally by evidence impeaching the facts on which the certificate was issued. Volume **I,** section **472.**

The record of a court of naturalization sufficiently establishes citizenship, even though it be alleged that the certificate of the fact has not been issued regularly. Volume **I,** section **472.**

The House, overruling its committee, admitted parol evidence to prove the naturalization of a Member who could produce neither the record of the court nor his certificate of naturalization. Volume **I,** section **424.**

As to the effect of absence from the country on the question of citizenship. Volume **I,** section **420.**

A woman who had forfeited her citizenship through marriage to a foreign subject and who later resumed it through naturalization less than seven years prior to her election was held to fulfill the constitutional requirements as to citizenship to a seat in the House. Volume **VI,** section **184.**

A native of South Carolina, who had been abroad during the Revolution, and on his return had not resided in the country seven years, was held to be qualified as a citizen. Volume **I,** section **420.**

A Delegate who, though an alien by birth, had lived in the United States from an early age and whose father had been a resident for twenty years was not disturbed on technical objections as to his citizenship. Volume **I,** section **423.**

In determining citizenship a committee ruled that the domicile of the father is considered the domicile of the son during the minority of the son if he be under the control and direction of the father. Volume **I,** section **422.**

In 1794 the Senate decided that Albert Gallatin was disqualified, not having been a citizen nine years, although he had serviced in the war of independence and was a resident of the country when the Constitution was formed. Volume **I,** section **428.**

The Senate decided in 1849 that James Shields was disqualified to retain his seat, not having been a citizen of the United States for the required time. Volume **I,** section **429.**

In 1870 a question was raised as to the citizenship of Senator-elect H. R. Revels, but he was seated, the Senate declining to postpone the administration of the oath in order to investigate the case. Volume **I,** section **430.**

The original existence of a certificate of naturalization being established, it was held competent to prove its contents by oral evidence. Volume **VI,** section **134.**

ELECTIONS OF REPRESENTATIVES—Continued.

(284) Qualifications of Members.—Citizenship—Continued.

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. Volume **I,** section **298.**

(285) Qualifications of Members.—Inhabitancy.

Discusison of meaning of word "inhabitant," and its relation to citizenship. Volume **I,** section **434.**

Discussion of the term "inhabitant" as a constitutional qualification for membership in the House. Volume **VI,** section **174.**

Excuse from jury duty in the District of Columbia on a plea of citizenship in the State from which elected and exercise of incidental rights of such citizenship, were accepted as evidence of inhabitancy. Volume **VI,** section **55.**

A Member who had resided a portion of the year in the District of Columbia, but who had a home in the State of his citizenship and was actually living there at the time of the election, was held to be qualified. Volume **I,** section **435.**

A Member renting an apartment June 1, 1926, in the State from which elected November 6, 1926, and occupying it "one or more times each week" was held to be qualified, although owning at the time a summer home in another State and owning and maintaining a residence in the District of Columbia. Volume **VI,** section **174.**

One holding an office and residing with his family for a series of years in the District of Columbia exclusively was held disqualified to sit as a Member from the State of his citizenship. Volume **I,** section **434.**

A contestant was found to be an actual inhabitant of the State and district, although for sufficient reason his family resided in another State. Volume **II,** section **1091.**

A contestant who had his business and a residence in the District of Columbia, and had no business or residence in Virginia, was held ineligible for a seat from that State. Volume **I,** section **436.**

Residence abroad in the service of the Government does not constitute a disqualification of a Member. Volume **I,** section **433.**

A mere sojourner in a State was held not to be qualified as an inhabitant to represent a district in Congress. Volume **I,** section **369.**

A Senator who at the time of his election was actually residing in the District of Columbia as an officeholder, but who voted in his old home and had no intent of making the District his domicile, was held to be qualified. Volume **I,** section **439.**

The Senate considered qualified a Senator who, being a citizen of the United States, had been an inhabitant of the State from which he was appointed for less than a year. Volume **I,** section **437.**

The Senate overruled its committee and held as qualified Adelbert Ames, who when elected Senator from Mississippi was merely stationed there as an army officer, but who had declared his intention of making his home in that State. Volume **I,** section **438.**

A person who had resided in a Territory one year as a person but not as a citizen was held to be qualified as a Delegate under the law requiring a residence of one year. Volume **I,** section **421.**

Philip B. Key, who had inhabited a home in Maryland a brief period before his election, but had never been a citizen of any other State, was held to be qualified. Volume **I,** section **432.**

(286) Qualifications of Members.—Loyalty Under the Fourteenth Amendment.

By the fourteenth amendment one who having previously taken an oath as an officer of the Government to support the constitution, has engaged in rebellion, is disqualified as a Member until the disability be removed. Volume **I,** section **454.**

ELECTIONS OF REPRESENTATIVES—Continued.

(284) Qualifications of Members.—Loyalty Under the Fourteenth Amendment—Contd.

A Member-elect who had not been disloyal, but who could not truthfully take the oath of July 2, 1862, was not sworn until he had been relieved of his disabilities bylaw. Volume **I,** section **455.**

A Member-elect, enrolled by the Clerk on his regular credentials, did not vote until his disqualifications had been removed and he had been permitted by the House to take the oath. Volume **I,** section **456.**

In 1867 the Senate, having in view the test oath and the spirit of the fourteenth amendment, excluded Philip F. Thomas for disloyalty. Volume **I,** sections **457, 458.**

In 1869 the House ordered that in all election contests wherein either claimant should be unable to take the oath of loyalty the investigation of claimants' rights should cease pending order of the House. Volume **I,** section **620.**

The House recommitted a report in an election case for inquiry as to newly made charges of disloyalty against both parties. Volume **II,** section **868.**

Before the adoption of the fourteenth amendment an din a time of civil disorders the committee reported and the House sustained the view that no person who had been disloyal should be sworn. Volume **I,** section **448.**

In 1866, a Senator having stated in his place that the loyalty of a Senator-elect was doubtful, the credentials were referred to a committee before the oath was taken. Volume **I,** section **453.**

In 1867 the Senate, upon the statement by a Member that there were rumors affecting the loyalty of a Member-elect, referred the credentials before permitting the oath to be taken. Volume **I,** sections **457, 458.**

Before the adoption of the fourteenth amendment and in a time of civil disorders the House denied the oath to Members-elect who presented themselves with credentials in due form but whose loyalty was questioned, and the credentials were referred to a committee. Volume **I,** section **448.**

A question being raised as to the loyalty of a Member-elect, the House has exercised its discretion about permitting him to take the oath at once. Volume **I,** sections **444–446.**

In 1862 the Senate decided to administer the oath, "without prejudice to any subsequent proceedings in the case," to a Senator-elect charged with disloyalty. Volume **I,** section **443.**

In the Fortieth Congress Members-elect from States lately in secession wee not admitted until a committee had examined their credentials, qualification, and the status of their constituencies. Volume **I,** section **386.**

The Senate declined to give immediate prima facie effect to regular credentials impeached by memorial alleging irregularities in constitution of the State legislature and suggesting personal disqualifications of the bearer. Volume **I,** section **393.**

A resolution directing an inquiry into alleged treasonable conduct on the part of a Member was admitted as a question of privilege. Volume **III,** section **2653.**

Discussion of the question as to whether or not the test oath of July 2, 1862, actually prescribed a new qualification for the Member. Volume **I,** sections **457, 458.**

For persons whose disabilities had been removed, the oath of July 2, 1862, was modified by the act of July 11, 1868. Volume **I,** section **455.**

A bill removing the disabilities of a Member-elect and modifying the test oath for his benefit was passed by a two-thirds vote. Volume **I,** section **455.**

Discussion as to whether or not the law prescribing the oath of loyalty in 1862 was constitutional. Volume **I,** section **449.**

Instance wherein a special law was passed prescribing the form of oath to be taken by a Senator-elect. Volume **I,** section **391.**

Convinced that Reed Smoot had taken an oath of hostility to the nation, a majority of the Senate committee held this a reason for vacating his seat as a Senator. Volume **I,** section **482.**

ELECTIONS OF REPRESENTATIVES—Continued.

(287) Qualifications of Members.—Loyalty as Related to the Oath.

Before the adoption of the fourteenth amendment and in a time of civil disorders the committee reported, and the House sustained the view, that no person who had been disloyal should be sworn. Volume **I,** section **448.**

A Member having been a pensioner of a foreign government, the House considered his case and declared him entitled to his seat, but declined to affirm that he was qualified. Volume **I,** section **442.**

In 1868 the House excluded a Member-elect who, by voluntarily giving aid and comfort to rebellion, had, in the opinion of the House, made it impossible for him to take the oath of office prescribed by law. Volume **I,** section **449.**

John D. Young, having in the opinion of the House voluntarily given aid and comfort to the enemy by words, although not by acts, was held incapable of taking the oath of July 2, 1862. Volume **I,** section **451.**

In 1867 it was held that no man duly elected should be excluded for disloyalty unless it could be clearly proven that he had been guilty of such open acts of disloyalty that he could not honestly and truly take the oath of July 2, 1862. Volume **I,** section **448.**

It not being proved by clear and satisfactory testimony that Lawrence S. Trimble had given aid and comfort to rebellion, the House declined to exclude him. Volume **I,** section **452.**

In 1870 the House declined to exclude a Member-elect for alleged disloyalty in giving utterance to words indicating contempt for the Government. Volume **I,** section **387.**

Instance of exclusion of a Member-elect found unable to take the test oath of loyalty. Volume **I,** section **333.**

An examination of the acts necessary to justify a finding of disloyalty against a Member-elect. Volume **I,** section **335.**

In 1862, before the enactment of the test oath for loyalty, the Senate, after mature consideration, declined to exclude for alleged disloyalty Benjamin Stark, whose credentials were unimpeached. Volume **I,** section **443.**

A Senator-elect whose loyalty satisfactorily withstood inquiry, but who seemed unable truthfully to take the oath of July 2, 1862, was finally permitted to take the oath. Volume **I,** section **453.**

A Senate committee having, on the strength of ex parte affidavits, found Benjamin Stark disloyal, the Senate disagreed to a resolution for his explusion. Volume **I,** section **443.**

The Senate did not pursue inquiry as to the charge that Senator John Smith had sworn allegiance to a foreign power, the said oath having been taking before his election as Senator. Volume **II,** section **1264.**

Instance wherein a special law was passed prescribing the form of oath to be taken by a Senator-elect. Volume **I,** section **391.**

Senators and Representatives are bound by oath or affirmation to support the Constitution. Volume **I,** section **127.**

The question of loyalty as a qualification of a Member. Volume **I,** section **479.**

Form of oath prescribed by the act of July 2, 1862, known as the "iron clad oath." Volume **I,** section **449.**

Discussion of the oath of July 2, 1862, as creating a statutory disqualification. Volume **I,** section **478.**

Discussion as to whether or not the law prescribing the oath of loyalty in 1862 was constitutional. Volume **I,** section **449.**

In 1869 the House ordered that in all election contests wherein either claimant should be unable to take the oath of loyalty the investigation of claimants' rights should cease pending order of the House. Volume **I,** section **620.**

ELECTIONS OF REPRESENTATIVES—Continued.

(287) Qualifications of Members.—Loyalty as Related to the Oath—Continued.

The Senate did not pursue inquiry as to the charge that Senator John Smith had sworn allegiance to a foreign power, the said oath having been taken before his election as Senator. Volume **II,** section **1264.**

The Senate investigated the sanity of a Senator-elect before allowing him to take the oath. Volume **I,** section **441.**

(288) Qualifications of Members.—As Related to Prima Facie Title.

In 1870 no one of the Members-elect from Virginia was seated until credentials were reported on by a committee and the House had acted. Volume **I,** section **461.**

A Member-elect who was about to be sworn was challenged for disloyalty, whereupon the House denied him the oath and referred the credentials. Volume **I,** section **455.**

In 1866 a Senator having stated in his place that the loyalty of a Senator-elect was doubtful, the credentials were referred to a committee before the oath was taken. Volume **I,** section **453.**

Members-elect challenged for alleged disqualifications have in several cases been sworn in at once, the question of their qualifications in some cases being referred to a committee for examination. Volume **I,** sections **156–159.**

In 1869 John M Rice, challenged on account of alleged disloyalty, was permitted by the House to take the oath pending examination of the charges. Volume **I,** section **460.**

A Member-elect whose loyalty was impeached was permitted to take the oath, and after that the House was reluctant to take action in his case. Volume **I,** section **461.**

In 1870 the House voted to administer the oath to a Member-elect on his correct prima facie showing, although a question as to his qualifications was pending before the Elections Committee. Volume **I,** section **462.**

The House decided a Member-elect entitled to a seat on his prima facie right, although knowing that his qualifications were under examination. Volume **I,** section **420.**

In 1873 the House seated Delegate George Q. Cannon on the strength of his unimpeached credentials, although it was objected that he was disqualified. Volume **I,** section **468.**

In the Senate, in 1856, a Senator-elect was sworn on his prima facie right, although his qualifications were questioned. Volume **I,** section **416.**

In 1856 the House considered and decided a question as to the qualifications of a Member who had already been seated on his facie showing. Volume **I,** section **415.**

In 1870, after a Member-elect had been permitted to take the oath, the House took up and decided a contest based on his alleged disloyalty, deciding that the evidence did not show his disqualifications. Volume **I,** section **462.**

In 1856 the Senate considered and decided as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I,** section **416.**

A Senator was unseated for disqualification after he had been seated on his prima facie right. Volume **I,** section **429.**

In 1869 the Elections Committee proposed to exclude for disloyalty one who had already been sworn in, and, although the committee were reversed on the facts, the propriety of the proceeding was not questioned. Volume **I,** section **460.**

A question as to whether or not a Member who is disqualified but has been permitted to take the oath may be excluded by a majority vote. Volume **I,** section **461.**

In 1873 the Elections Committee concluded that a Delegate who had been sworn could be reached on a question of qualifications only by process of expulsion. Volume **I,** section **469.**

ELECTIONS OF REPRESENTATIVES—Continued.

(288) Qualifications of Members.—As Related to Prima Facie Title—Continued.

In 1867 the Senate, upon the statement by a Member that there were rumors affecting the loyalty of a Member-elect, referred the credentials before permitting the oath to be taken. Volume **I,** sections **457, 458.**

A question being raised as to the loyalty of a Member-elect, the House has exercised its discretion about permitting him to take the oath at once. Volume **I,** sections **444–446.**

There being conflicting credentials arising from a question as to the legality of election and an allegation of disqualification, the Senate determined final right before either claimant was seated. Volume **I,** section **632.**

Before the adoption of the fourteenth amendment, and in a time of civil disorders, the House denied the oath to Members-elect who presented themselves with credentials in due form but whose loyalty was questioned, and the credentials were referred to a committee. Volume **I,** section **448.**

The House admits, on his prima facie showing and without regard to final right, a Member-elect from a recognized constituency whose credentials are in due form and whose qualifications are unquestioned. Volume **I,** sections **528–534.**

An instance wherein the Clerk omitted from the roll the name of a disqualified Member-elect. Volume **I,** section **29.**

The House has examined validity of election and qualifications of a claimant when determining prima facie title, leaving final right for later inquiry. Volume **I,** section **328.**

In 1868 the House denied the oath to two persons who appeared with conflicting credentials which cast doubt on the right of either to the seat. Volume **I,** section **459.**

An objection to a Member-elect's qualifications being sustained neither by affidavit nor on the personal responsibility of the Member objecting, the House declined to entertain it. Volume **I,** section **455.**

The House decided that the oath should be administered to a Member-elect, although a Member charged that he was personally disqualified. Volume **I,** section **447.**

Although it was understood that objection was made to Senator-elect on the question of qualification, yet the oath was administered on his prima facie showing. Volume **I,** section **481.**

Charges that a Senator-elect was disqualified did not avail to prevent his being sworn in by virtue of his prima facie right. Volume **I,** section **429.**

The Senate, by majority vote, unseated Albert Gallatin for disqualification after he had taken the oath. Volume **I,** section **428.**

May a returned Member, already sworn but found disqualified, be excluded by majority vote? Volume **II,** section **946.**

As to whether or not a disqualified Member who has taken the oath may be excluded by majority vote. Volume **I,** section **420.**

Contention that a Senator may be excluded for disqualification by majority vote, even though be may have been sworn in. Volume **I,** section **481.**

The House considered a protest as to the qualifications of a Member after he had taken the oath without objection. Volume **I,** section **426.**

Instance wherein the question of qualification was passed on after Member-elect had been sworn in on his prima facie showing. Volume **I,** section **432.**

(289) Qualifications of Members.—Incompatible Offices.

A Member who had been appointed a militia officer in the District of Columbia by the President was deprived of his seat in the House. Volume **I,** section **486.**

In the case of Baker and Yell the Elections Committee held that the acceptance of a commission as an officer of volunteers in the National Army vacated the seat of a Member. Volume **I,** section **488.**

ELECTIONS OF REPRESENTATIVES—Continued.

(289) Qualifications of Members.—Incompatible Offices—Continued.

A Member who had been mustered into the military service of the United States was held by the Elections Committee to have forfeited his right to a seat. Volume **I,** section **490.**

In 1898 the Judiciary Committee found that four Members, by accepting commissions in the Army and being mustered into the service after taking the oath as Representatives, thereby vacated their seats. Volume **I,** section **494.**

The Elections Committee found that Thomas W. Newton, already seated on prima facie showing, was entitled to the seat made vacant by Archibald Yell's acceptance of an office in the Army. Volume **I,** section **489.**

After a careful consideration of the status of a Member-elect, the House decided that such an one was not affected by the constitutional requirement that an officer of the United States shall not be Member. Volume **I,** section **499.**

A Member-elect who continued in the office of postmaster after his election, but resigned before taking has seat, was held to be entitled to the seat. Volume **I,** section **498.**

A collector of the Federal direct tax whose office expired after his election but before he took his seat as a Member of the House as held entitled to the seat. Volume **I,** section **497.**

A Senator-elect who had, before qualifying, exercised the authority of an army officer de facto was held not to have vacated his seat. Volume **I,** section **491.**

The House has manifestly leaned to the idea that a contestant holding an incompatible office need not make his election until the House has declared him entitled to the seat. Volume **I,** section **505.**

A contestant employed after the election as assistant to a United States district attorney was held qualified to be seated, especially as his employment ceased before Congress met. Volume **I,** section **46.**

A Member who was appointed to assist a United States attorney in certain cases was held not be disqualified as a Member of the House. Volume **II,** section **993.**

Visitors to academies, regents, directors, and trustees of public institutions, appointed by the Speaker under the law, are not regarded as officers within the meaning of the constitutional inhibition. Volume **I,** section **493.**

Conclusion of the Judiciary Committee that the member of a commission created by law to investigate and report, but having no legislative, judicial, or executive powers, was not an officer within the meaning of the constitutional inhibition. Volume **I,** section **493.**

A Member having informed the House of his acceptance of an incompatible officer, the House has assumed or declared the seat vacant. Volume **I,** sections **501, 502.**

A Member, Samuel Hammond, having accepted an executive appointment, the House declared his seat vacant. Volume **I,** section **487.**

A Member-elect may defer until the meeting of the Congress his choice between the seat and an incompatible office. Volume **I,** section **492.**

Opinion of the Judiciary Committee that when a Member-elect retains an incompatible office and does not qualify a vacancy exists in his seat. Volume **I,** section **500.**

The acceptance after election of State office, which was resigned before the meeting of Congress, was held not to destroy whatever rights a contestant might have. Volume **I,** section **779.**

Discussion of the meaning of the word "offices" as used the constitutional provision prohibiting the Member from holding such as are incompatible. Volume **I,** sections **493, 496.**

No person holding any office under the United States shall be a Member of either House during his continuance in office. Volume **I,** section **485.**

ELECTIONS OF REPRESENTATIVES—Continued.

(289) Qualifications of Members.—Incompatible Offices—Continued.

Discussion as to what constitutes "a person holding office under the United States," within the meaning of the Constitution. Volume **II,** section **993.**

An opinion of the Judiciary Committee that persons on the retired list of the Army do not hold office under the United States in the constitutional sense. Volume **I,** section **494.**

The House has declined to hold that a contractor under the Government is constitutionally disqualified to serve as a Member of the House. Volume **I,** section **496.**

The House has distinguished between the performance of paid services for the Executive by a Member and the acceptance of an appointment to an incompatible office. Volume **I,** section **495.**

The House has investigated the constitutional right of a Senator to perform services for the Executive. Volume **I,** section **495.**

Discussion of the meaning of the word "officer" in the constitutional provision relating to the qualification of Members. Volume **I,** section **496.**

Reference to an early discussion of the appointment of Members of the House to executive offices. Volume **I,** section **495.**

A Member-elect was held to have disqualified himself by continuing to hold an incompatible office after the meeting of the Congress. Volume **I,** section **492.**

The acceptance after election of a State office which was resigned before the meeting of Congress was held not to destroy whatever rights a contestant might have. Volume **I,** section **779.**

The case relating to the alleged disqualification of Messrs. Blair and Schenck in the Thirty-eighth Congress. Volume **I,** section **492.**

A Member having disqualified himself by accepting an office in the Army, a resolution for his exclusion may be agreed to by majority vote. Volume **I,** section **490.**

A resolution declaring vacant the seat of a Member who has accepted an incompatible office may be agreed to by a majority vote. Volume **I,** section **504.**

Form of resolution declaring vacant the seat of a Member who had become an officer in the Army. Volume **I,** sections **488, 490.**

No Member may, during the term for which he was elected, be appointed to any office which shall have been created or the emoluments of which shall have been increased during such term. Volume **I,** section **485.**

In 1815 the House questioned the constitutional right of a Member to accept an appointment as commissioner, the office being created under the terms of a treaty during the period of his membership. Volume **I,** section **506.**

(290) Qualifications of Members.—States May Not Establish.

In 1856 the House decided that a State might not add to the qualifications prescribed by the Constitution for a Member. Volume **I,** section **415.**

In 1884 the House reaffirmed its position that a State may not add to the qualifications prescribed by the Constitution for a Member. Volume **I,** section **417.**

A question arising in 1807 as to the right of a State to prescribe qualifications for Representatives, the House, while inclining manifestly to the view that the states did not have the right, avoided an explicit declaration. Volume **I,** section **414.**

In 1856 the Senate decided that a State might not add to the qualifications prescribed by the Constitution for a Senator. Volume **I,** section **416.**

No State may prescribe qualifications for a United States Senator in addition to those prescribed by the Federal Constitution. Volume **I,** section **632.**

(291) Qualifications of Members.—As to Power of House Alone to Establish.

Discussion of the three constitutional qualifications as exclusive of others. Volume **I,** sections **414, 415.**

Discussion of the right of the House to fix qualifications other than those specified by the Constitution. Volume **I,** section **469.**

ELECTIONS OF REPRESENTATIVES—Continued.

(291) Qualifications of Members.—As to Power of House Alone to Establish—Continued.

In 1868 it seems to have been assumed by the Committee on Elections, if not by the House itself, that the House alone might not add to the qualifications prescribed by the Constitution. Volume **I,** section **449.**

Statement of the attitude of the House at the close of the civil war as to qualifications other than those prescribed by the Constitution. Volume **I,** section **465.**

In the case of Brigham H. Roberts the House assumed its right to impose a qualification not specified by the Constitution, and excluded him. Volume **I,** section **477.**

The right to add other qualifications to the three prescribed by the Constitution was discussed fully in the Senate in 1867. Volume **I,** sections **457–458.**

An argument that a Senator-elect might be excluded for disqualifications other than the three specified by the Constitution. Volume **I,** section **443.**

The Senate declined to exclude Reed Smoot for alleged disqualifications other than those specified in the Constitution. Volume **I,** section **483.**

Reed Smoot's membership in a religious hierarchy that united church and state contrary to the spirit of the Constitution was held by the majority of the Senate committee a reason for vacating his seat. Volume **I,** section **482.**

It was objected that Senator Smoot, by reason of fealty to a "higher law" than the law of the nation, was disqualified to hold a seat in the Senate. Volume **I,** section **481.**

Discussion by a House committee as to the power of the House to impose qualifications not enumerated in the Constitution. Volume **I,** section **484.**

Final arguments in the Smoot case as to what are the constitutional qualifications of a Senator. Volume **I,** section **483.**

In 1862, before the enactment of the test oath for loyalty, the Senate, after mature consideration, declined to exclude for alleged disloyalty Benjamin Stark, whose credentials were unimpeached. Volume **I,** section **443.**

Discussion as to the right of the Senate to exclude by majority vote for lack of qualifications other than those enumerated in the Constitution. Volume **I,** section **481.**

Consideration of the qualifications the lack of which may render a person unfit to remain a Member of the Senate. Volume **I,** section **482.**

A Member who was interested in a contract forbidden to him by law was relieved by legislation. Volume **II,** section **1165.**

Discussion of the question as to whether or not the test oath of July 2, 1862, actually prescribed a new qualification for the Member. Volume **I,** sections **457, 458.**

A final judgment of conviction under section 1782, Revised Statutes, does not operate ipso facto to vacate the seat of a convicted Senator or compel the Senate to expel him. Volume **II,** section **1282.**

Discussion as to whether or not a Member is an officer of the Government. Volume **I,** section **417.**

A Member being charged with a crime entirely disconnected with his representative capacity, the House declined to hold that a question of privilege was involved. Volume **I,** section **466.**

A discussion by a House committee as to the power of the House to impose qualifications not enumerated in the Constitution. Volume **I,** section **484.**

(292) Qualifications of Members.—May a Statute Establish?

In 1900 in a sustained report the majority of the committee held that a Member of Congress was an officer, subject to statutory disqualifications as such. Volume **I,** section **478.**

In 1868 a question of loyalty arising the House in effect held that there might be established by law qualifications other than those required by the Constitution. Volume **I,** section **449.**

Discussion of the oath of July 2, 1862, as creating a statutory disqualification. Volume **I,** section **478.**

Discussion of the laws of Congress against polygamy as creating a statutory disqualification. Volume **I,** section **478.**

ELECTIONS OF REPRESENTATIVES—Continued.

(292) Qualifications of Members.—May a Statute Establish?—Continued.

Argument that the act of July 2, 1862, prescribing a test oath, did in effect create an additional qualification. Volume **I,** section **451.**

Conviction under sections 1781 and 1782 of the Revised Statutes, and not merely accusation, is required to raise a question of qualification against a Senator-elect. Volume **II,** section **955.**

(292) Qualifications of Members.—Exclusion for Polygamy, etc.

In a sustained report in 1900 the majority of the committee favored the exclusion and not the expulsion of a Member-elect admitted to be engaged in the practice of polygamy. Volume **I,** section **476.**

No person whose seat in the House has been obtained by fraud or questionable methods should be allowed to perform the duties of the office or receive the emoluments thereof or enjoy the prerogatives with which a member is clothed. Volume **VI,** section **81.**

A candidate in whose behalf exorbitant sums of money were received and dispensed by personal agents and representatives with his knowledge and consent was held to be disqualified. Volume **VI,** section **179.**

Having determined that a returned Member had subjected himself to the penalties of a State election law necessitating his ousting from office, the House held he was not entitled to his seat. Volume **VI,** section **80.**

B.F. Whittemore, being reelected to the same House from which he had resigned to escape expulsion for crime, was excluded from taking the oath and his seat. Volume **I,** section **464.**

Argument that bribery on the part of a returned Member does not constitute a disqualification justifying his exclusion. Volume **II,** section **946.**

In 1873 it was proposed by a majority of the Elections Committee to exclude Delegate George Q. Cannon for polygamy, but the resolution was not considered. Volume **I,** section **470.**

In 1882 the House, by majority vote and for the disqualification of polygamy, excluded Delegate George Q. Cannon, who had not been sworn on his prima facie showing. Volume **I,** section **473.**

Enrollment as a member of one party does not preclude election by another. Volume **VI,** section **94.**

A majority of the Senate committee considered Reed Smoot's membership in a religious hiearchy that countenanced and encouraged polygamy a reason for removing him from the Senate. Volume **I,** section **482.**

The Senate apparently held the view that Reed Smoot might be deprived of his seat only by the two-thirds vote specified by the Constitution for expulsion. Volume **I,** section **483.**

A Member being charged with the crime of manslaughter, the House declined to determine whether or not a question of privilege was raised, and did not investigate. Volume **II,** section **1277.**

Discussion of the decision of the Senate in the matter of charges against Humphrey Marshall, a Senator. Volume **II,** section **1264.**

Certain petitioners against the right of a returned Member to his seat having impunged his personal conduct in the election, the House rendered a decision thereon. Volume **I,** section **763.**

In the case of Brigham H. Roberts the committee reported at one and the same time on both the prima facie and final right. Volume **I,** section **474.**

A Senator was unseated for disqualification after he had been seated on his prima facie right. Volume **I,** section **429.**

(294) Qualifications of Members.—Offenses Prior to Service in the House.

After a discussion of the subject of qualifications and expulsion the House laid on the table a question as to the conduct of a Member in the preceding Congress. Volume **II,** section **1285.**

ELECTIONS OF REPRESENTATIVES—Continued.

(294) Qualifications of Members.—Offenses Prior to Service in the House.—Continued.

The majority of the Judiciary Committee concluded that a Member might not be tried or punished by the House for an offense alleged to have been committed against a preceding Congress. Volume **II,** section **1283.**

In 1799 the House declined to expel Matthew Lyon for an offense committed while a Member but before his reelection to the then existing House. Volume **II,** section **1284.**

Discussion of the power of expulsion in its relations to offenses committed before the Member's election and in relation to the power of impeachment. Volume **II,** section **1286.**

The Senate seated a Senator-elect on prima facie showing of his election by a legislature, although his election for a prior term had been found by a committee invalid because of bribery. Volume **I,** section **695.**

In the case of Humphrey Marshall, accused of committing a crime before his election, the Senate declined to proceed in the absence of prosecuting action from the constituency. Volume **II,** section **1288.**

The Senate held, in 1796, that for a crime alleged to have been committed before his election, but for which the courts had not held him to answer, a Senator should not be tried by the Senate. Volume **II,** section **1288.**

In the case of William N. Roach, charged with a crime alleged to have been committed before his election, the Senate discussed its power in such a case but took no action. Volume **II,** section **1289.**

The Speaker has questioned the right of a Member to discuss as privileged charges relating to his conduct at a period before he became a member. Volume **II,** section **1287.**

A member being charged with a crime entirely disconnected with his Representative capacity, the House declined to hold that a question of privilege was involved. Volume **I,** section **466.**

(295) Qualifications of Members.—Person Receiving Minority of Votes Not Seated.

The candidates having the largest number of votes being notoriously disqualified, the House declined to seat the candidates having the next highest number of votes. Volume **I,** section **621.**

In a case somewhat inconclusive it was held that notice of disqualification given seasonably to the electors did not modify the rule against seating a minority candidate. Volume **I,** section **460.**

The Elections Committee held that a contestant could have no claim to a seat declared vacant because of the constitutional disqualification of the sitting Member. Volume **I,** section **435.**

The Elections Committee concluded, in 1873, that if the Member-elect be disqualified the minority candidate is not thereby entitled to the seat. Volume **I,** section **469.**

Determination by a divided Elections Committee that the disqualification of a sitting Member does not entitle the contestant, who had received the next highest number of votes, to the seat. Volume **I,** section **424.**

A Delegate-elect being excluded for disqualification, the House declined to seat the candidate having the next highest number of votes. Volume **I,** section **473.**

A Senator-elect being disqualified, the Senate, after elaborate examination, decided that the person receiving the next highest number of votes was not entitled to the seat. Volume **I,** section **463.**

A question as to whether a State law may give to the minority candidate the seat for which the majority candidate is disqualified. Volume **I,** section **459.**

In the event of the death of a Member-elect from the State at large, the candidate receiving the next highest number of votes is not entitled to the seat. Volume **VI,** section **152.**

The exclusion of a disloyal Member-elect would not allow a minority candidate to take the seat. Volume **I,** section **323.**

This disqualification of a Member-elect does not entitle a minority candidate to the seat. Volume **I,** section **326.**

ELECTIONS OF REPRESENTATIVES—Continued.

(295) Qualifications of Members.—Person Receiving Minority of Votes Not Seated—Con.

The person receiving the majority of the votes in a district being excluded as disqualified, the House after careful examination declined to seat the one receiving the next highest number. Volume **I,** section **450.**

The Elections Committee, in a report sustained on the main issue, held as an incidental question that the English law as to seating a minority candidate when a vacancy is caused by disqualifications, is not applicable under the Constitution. Volume **I,** section **450.**

(296) Qualifications of Members.—Procedure in Examination as to.

An objection to a Member-elect's qualifications being sustained neither by affidavit nor on the personal responsibility of the Member objecting, the House declined to entertain it. Volume **I,** section **455.**

An argument that questions affecting qualifications should be instituted in the House alone and not by proceedings under the law of contest. Volume **I,** section **473.**

Instance of an inquiry as to a Member-elect's qualifications instituted by petition. Volume **I,** section **420.**

Instance wherein the question of qualification was passed on after a Member elect had been sworn in on his prima facie showing. Volume **VI,** section **174.**

The House referred a question as to the qualifications of a Member to an Elections Committee instead of to a select committee. Volume **I,** section **426.**

The House authorized its committee to take testimony in a case wherein the qualifications of a Member were impeached. Volume **I,** section **427.**

In the investigation of the qualifications of Brigham H. Roberts the committee permitted his presence and suggestions during discussion of the plan and scope of the inquiry. Volume **I,** section **475.**

A Member whose qualifications were questioned was permitted to be present before the committee, cross-examine, and offer counterproofs. Volume **I,** section **420.**

As to whether or not a disqualified Member who has taken the oath may be excluded by majority vote. Volume **I,** sections **420, 429.** Volume **II,** section **946.**

The right of Brigham H. Roberts to take the oath and his seat being under consideration, he was permitted to speak by unanimous consent. Volume **I,** section **474.**

Form of resolutions for unseating a Member for disqualification. Volume **I,** section **425.**

During the discussion of the qualifications of a Senator he presented his resignation, but the Senate disregarded it and proceeded to declare his election void. Volume **I,** section **440.**

While a majority of the Senate committee agreed that Reed Smoot was not entitled to his seat, they could not decide whether he should be excluded or expelled. Volume **I,** section **482.**

The Committee on Election of President, Vice-President, and Representatives in Congress has reported proposed constitutional amendments providing for election of Senators by the people and the disqualification of polygamists as Representatives. Volume **IV,** section **4300.**

A suggestion that questions relating solely to qualifications of Members should be brought in by memorial rather than by proceedings in contest. Volume **I,** section **435.**

Summary of protest against Reed Smoot as a Senator and his answer thereto. Volume **I,** section **482.**

In considering the qualifications of Brigham H. Roberts the committee tendered to him the opportunity to testify in his own behalf. Volume **I,** section **475.**

As to the degree of testimony required to put the burden of proof on a Member whose status as a citizen was impeached. Volume **I,** section **427.**

ELECTIONS OF REPRESENTATIVES—Continued.

(296) Qualifications of Members.—Procedure in Examination as to—Continued.

The House, overruling its committee, admitted parol evidence to prove the naturalization of a Member who could produce neither the record of the court nor his certificate of naturalization. Volume **I,** section **424.**

A committee denied the binding effect on the House of a decision of a Territorial court on a question of fact concerning the qualifications of a Delegate. Volume **I,** section **423.**

Questions as to the credentials and qualifications of Members-elect may by general consent be deferred until after the election of Speaker and swearing in of Members. Volume **I,** section **153.**

The case relating to the qualifications of Anthony Michalek, of Illinois, in the Fifty-ninth Congress. Volume **I,** sections **426, 427.**

The Senate case relating to the qualifications of Reed Smoot, from Utah, in the Fifty-eighth Congress. Volume **I,** sections **481–483.**

Instance of the impeachment of the election and qualifications of a Delegate through proceedings instituted by memorial. Volume **I,** section **526.**

Form of protest as to the qualifications of a Member. Volume **I,** section **426.**

A suggestion that questions relating solely to qualifications of Members should be brought in by memorial rather than by proceedings in contest. Volume **I,** section **435.**

It was conceded in 1858 that the House was not necessarily bound by the law of 1851 in judging the elections, returns, and qualifications of its Members. Volume **I,** section **833.**

In considering the qualifications of Brigham H. Roberts the committee tendered to him the opportunity to testify in his own behalf. Volume **I,** section **475.**

Witnesses were examined under oath and in the presence of Brigham H. Roberts during the committee's investigations of his qualifications. Volume **I,** section **475.**

(297) Qualifications of Delegates.

In 1882, in a sustained case, the major opinion of the Elections Committee inclined to the view that the constitutional qualifications for a Member did not apply to a Delegate. Volume **I,** section **473.**

A discussion as to whether or not a Delegate should have the same qualifications as a Member. Volume **I,** section **421.**

A committee held that the strongest reasons of public policy require a Delegate to possess qualifications similar to those required of a Member. Volume **I,** section **423.**

Discussion of the effect, in the matter of qualifications of Delegates, of a law extending the Constitution over a Territory. Volume **I,** section **473.**

In 1873 the Elections Committee concluded that where a law of Congress extended the Constitution over a Territory, the qualifications of the Delegate should be similar to those of Members. Volume **I,** section **469.**

A committee held that under the principles of the common law an alien might not hold a seat as a Delegate. Volume **I,** section **423.**

Congress has by law prescribed that Delegates from certain Territories must be citizens of the United States. Volume **I,** section **431.**

The organic act of Hawaii fixed the qualifications of the Delegate therefrom. Volume **I,** section **526.**

A person who had resided in a Territory one year as a person but not as a citizen was held to be qualified as a Delegate under the law requiring a residence of one year. Volume **I,** section **421.**

Instance of examination by a House committee of charges of bigamy and treason against a Delegate. Volume **I,** section **526.**

A Delegate who, though an alien by birth, had lived in the United States from an early age and whose father had been a resident for twenty years, was not disturbed on technical objections as to his citizenship. Volume **I,** section **423.**

A resolution embodying a general declaration as to the qualifications of Delegates was decided by the House not to involve a question of privilege. Volume **III,** section **2595.**

ELECTIONS OF REPRESENTATIVES—Continued.

(298) Registration.—As Affecting the Validity of the Elector's Vote.

Registry of voters being required, the vote of a person not registered or on the registry list was rejected by the House. Volume **I,** section **575.**

The acts of election officers being presumed to be correct, a vote should not be rejected unless it is positively proven that the voter was disqualified as to registration. Volume **II,** section **933.**

A vote deposited in good faith by the elector, supposing himself to be registered, should not be rejected upon subsequent discovery that he was not registered. Volume **II,** section **1002.**

Persons actually registered but omitted from the copy of the list in use at the polls were held to have cast valid votes, although a required oath was not administered when they voted. Volume **II,** section **903.**

A vote received by election officers is presumed to be legal, and is not to be impeached by a question of registration except on indubitable proof. Volume **II,** section **962.**

Persons not possessing the constitutional qualification of electors may not complain of a technical illegality by which registration officers keep their names off the lists. Volume **II,** section **950.**

The fact that registration officers register the voter raises the presumption that the latter gave proper answers to questions necessary to the act. Volume **II,** section **1048.**

When the registration list was not conclusive as to the right to vote, the House admitted parol evidence as to voter's qualification. Volume **II,** section **1098.**

The burden is on the party objecting to the vote to show that the elector objected to for illegal registration was illegally registered and for whom he voted. Volume **II,** section **1048.**

Entries on a registration list made by an officer not authorized by law to note the qualifications of voters thereon are not evidence as to qualifications of persons registered. Volume **II,** section **867.**

Defective applications for registration, when once received by registrar and supplemented by examination under oath, are not void but merely voidable, under the Virginia law, and votes cast under such registration should not be rejected. Volume **VI,** section **158.**

Voters who have performed fully their own duty as to registration are not to be disfranchised because of defects in the lists caused by establishment of new voting places. Volume **II,** section **1044.**

Voters being prevented by no fault of their own from obtaining the registration certificates required for voting, the House counted the votes as if cast. Volume **II,** section **1025.**

An elector having in good faith presented an affidavit in lieu of registration, and the vote having been accepted, the House declined to reject the vote because the affidavit did not meet the legal requirement. Volume **II,** section **1002.**

The right to vote not depending on registration, and returns showing prima facie that an election was duly held without registration, the Elections Committee counted the votes. Volume **II,** section **893.**

The use of an unofficial compilation of a registration list to aid in reference during the voting was held not to vitiate the poll. Volume **II,** section **871.**

The Committee on Elections declined to count votes of persons prevented from voting by an erroneous dropping of their names from the registration. Volume **II,** section **935.**

The House declined to count the votes of witnesses who failed to show that they were illegally refused registration or that they had tried to vote. Volume **II,** section **1087.**

Discussion of a registration law as mandatory or directory. Volume **II,** section **1002.**

May a registry law establish a qualification as to residence within a ward which the State constitution does not establish? Volume **II,** section **996.**

The registration and poll books are the primary evidence of registration and fact of voting, and when in existence should be produced. Volume **II,** section **1048.**

ELECTIONS OF REPRESENTATIVES—Continued.

(299) Registration.—Where Affidavits are Filed in Lieu Thereof.

The State constitution providing that no elector should be disfranchised because not registered, the House refused to reject votes cast by nonregistered persons without certain affidavits required by statute. Volume **II,** section **939.**

An unregistered voter being required to produce an affidavit and an oral witness as to qualifications, the House, because of a defective affidavit, rejected a vote received by the election officers. Volume **II,** section **1010.**

Affidavits given by nonregistered voters need not be signed, but the jurat must appear or the votes are rejected. Volume **II,** section **910.**

Where nonregistered voters were required to file affidavits on voting and these affidavits did not appear on file, the House rejected the votes. Volume **II,** section **1041.**

Affidavits of nonregistered voters not being found in the depository specified by law, it was held that the burden of proof shifted to the party benefited by the votes. Volume **II,** section **1041.**

Unregistered voters having voted on the production of affidavits prescribed by law for such cases, the affidavits should be kept inviolate as in the case of ballots for a recount. Volume **II,** section **1002.**

(300) Registration.—Effect of Absence of, When Required.

An election held without proper registration, under laws requiring registration, was held to be illegal. Volume **II,** section **980.**

The law requiring voters to be registered in order to vote, a poll whereat there was no registration was rejected. Volume **II,** section **1051.**

Registry being required in towns of a certain population and the population of a town not having been determined accurately, votes rejected for lack of registry were counted by the House. Volume **II,** section **1028.**

Although many electors have suffered by arbitrary refusal of registration officers to do their duty, yet the House requires a contestant to show specifically the resulting harm. Volume **II,** section **974.**

The use of an unofficial compilation of a registration list to aid in reference during the voting was held not to vitiate the poll. Volume **II,** section **871.**

Requirements of State constitution that voters be registered on application in their own handwriting only, held to be mandatory and registration of voters, without written application as provided by State constitution is void. Volume **VI,** section **158.**

(301) Registration.—Informalities as to.

Voters complying with all other requirements of the law should not be disfranchised by the neglect of public officials to register them. Volume **II,** section **1037.**

Failure to keep the registration books open the required time does not justify rejection of the return if harm is not shown to have resulted. Volume **II,** section **1049.**

In a report barely sustained by the House it was held that the making of a registration in disregard of the terms of law justified rejection of the returns. Volume **II,** section **1112.**

An election is not affected by the fact that the registration lists are in writing when the law requires them to be in printing. Volume **II,** section **1084.**

As to votes received by election officers but rejected by canvassers because of mere informalities as to registration. Volume **II,** section **1014.**

Where an unauthorized but not fraudulent erasure of names occurred on a registration list, the House counted votes of electors harmed by this erasure. Volume **II,** section **1084.**

Failure of county officers to verify formally a registration list did not invalidate the election, no voter being deprived of any right. Volume **II,** section **1084.**

Registration being a condition of voting, the House declined to reject a precinct whereof the registration list was not shown to have been returned as required by law. Volume **II,** section **871.**

A registration officer who could not properly take the oath he did take as such officer was held a good de facto officer. Volume **II,** section **870.**

ELECTIONS OF REPRESENTATIVES—Continued.

(301) Registration.—Informalities as to—Continued.

Voters being prevented by no fault of their own from obtaining the registration certificates required for voting, the House counted the votes as if cast. Volume **II,** section **1025.**

The Committee on Elections declined to count votes of persons prevented from voting by an erroneous dropping of their names from the registration. Volume **II,** section **935.**

The House made no correction for a limited number of persons registered at an illegal time, there being no proof of how they voted. Volume **II,** section **1088.**

The House, relying somewhat on a Federal statute, counted ballots of voters whose names after registration were omitted from the poll list, that list being conclusive on the election officers. Volume **I,** section **579.**

Discussion as to authority of a secretary of state, whose duties are ministerial only, to reject returns because of violations of registration laws. Volume **II,** section **873.**

A canvassing officer may not reject returns which are regular on their face because the registration law may have been violated on the district in question. Volume **II,** section **867.**

(302) Registration.—When Deemed Unconstitutional.

The House will count the votes of electors denied their right of suffrage by a registration law which it deems unconstitutional and not passed on by the State courts. Volume **II,** section **1075.**

The House, overruling its committee, declared that seat vacant in a case wherein thousands of voters were kept from the polls by what it deemed an unconstitutional registration law. Volume **II,** section **1126.**

Instance wherein the House determined that a State registration law was obnoxious to the State constitution. Volume **II,** section **1126.**

The House counted the ballots of qualified voters who were prevented from voting by conditions arising from a registration established by a city government. Volume **I,** section **975.**

Discussion as to the effect of an alleged unconstitutional registration law in an election case. Volume **I,** section **720.**

(303) Registration.—Evidence to Discredit.

As to hearsay evidence of persons participating in a fraudulent registration. Volume **II,** section **1123.**

As to the validity of census returns and a canvass in proving a registration to be fraudulent. Volume **II,** section **1123.**

Instance wherein the city directory and a canvass by means of registered letters was accepted to discredit a registration. Volume **II,** section **1128.**

Discussion as to the validity of the testimony of canvassers who have failed to find persons suspected of illegal registration. Volume **II,** section **1052.**

The House declined to reject the poll of a precinct whereof the registration was impeached by a police census of doubtful weight. Volume **II,** section **1067.**

Failure of registrar to appear when summoned to explain charges of illegal registration does not prove the charges. Volume **II,** section **1084.**

As to the degree of intimidation required to justify a decision that a registration is void. Volume **II,** section **867.**

The degree and kind of testimony required to show a registration to be fraudulent in connection with a conspiracy. Volume **II,** section **1123.**

The House, overruling the committee, declined to count the vote of a county wherein by fraudulent registration many disqualified persons has been put on the voting lists. Volume **II,** section **873.**

Where the registration on which the vote depended was fraudulent the House rejected the entire return. Volume **II,** section **883.**

An invalid registry, election officers improperly appointed, large and unexplained increase of the returned vote, and inexcusable violations of law justified rejection of the return. Volume **II,** section **861.**

ELECTIONS OF REPRESENTATIVES—Continued.

(303)—Registration.—Evidence to Discredit—Continued.

Friends of contestant not being represented on an election board and there being evidence of fraud in the registration and voting, the poll was rejected. Volume **II,** section **1068.**

A fraudulent registration was held to justify a conclusion that a conspiracy existed to perpetrate fraud in the election. Volume **II,** section **1128.**

Both the registration and election being permeated with irregularities, fraud, and intimidation, the returns of the precinct affected were rejected. Volume **II,** section **1089.**

(304) Registration.—Reopening of Contested Case.

After an election case is reported on by the committee, the House is reluctant to recommit for further examination. Volume **II,** section **1035.**

As to what contestant must show to cause the House to reopen an election case for further testimony. Volume **II,** section **1006.**

The House declined to reopen an election case to enable returned Member to prove his vote aliunde at several precincts whereof the returns had been rejected. Volume **II,** section **1019.**

The House declined to recommit an election case in order to count votes in precincts whence no votes had been returned or proven. Volume **I,** section **812.**

No sufficient reasons being shown, the House declined to reopen as election case for the taking of further testimony. Volume **I,** section **724.**

The Elections Committee declined to recommend the reopening of a case for further testimony on facts not set forth in the notice or substantiated by testimony. Volume **II,** section **1063.**

The Elections Committee declined in 1882 to reopen a case to enable a contestant to correct his procedure. Volume **I,** section **725.**

In a case wherein an unofficial and ex parte recount was relied on, because the ballots themselves could be reached officially only by the House itself, the house reopened the case for examination of the ballots. Volume **II,** section **1070.**

When contestee submits an affidavit to justify his request that his election case be reopened the affidavit must be definite and specific. Volume **II,** section **1062.**

The majority of the Senate committee contended that the doctrine of res adjudicata did not apply to a decision incident to the credentials and made without full and formal examination of the merits. Volume **I,** section **629.**

A Senate election case having been once decided, an attempt to reopen it failed after a favorable report from a committee and elaborate discussion. Volume **I,** section **357.**

(305) Registration.—In General.

It is as important that the registration be kept free from disqualified persons as that every legal voter shall be registered. Volume **II,** section **1087.**

Official copies of registration lists, such copies made in pursuance of law, were admitted as evidence of the registration by a divided committee. Volume **II,** section **1128.**

A question relating to votes cast by unregistered voters was not finally passed upon. Volume **VI,** section **166.**

An election is not invalidated by the failure of the State legislature to comply with the law in providing for registration of electors. Volume **VI,** section **128.**

The House made no correction for a limited number of persons registered at an illegal time, there being no proof of how they voted. Volume **II,** section **1088.**

(306) Returned Member.—Status of, in the House Pending a Contest.

A returned Member whose seat is contested is nevertheless eligible to appointment on any committee. Volume **II,** section **1018.**

A returned Member whose seat was contested in the First Congress debated the question as a matter of right. Volume **I,** section **757.**

ELECTIONS OF REPRESENTATIVES—Continued.

(306) Returned Member.—Status of, in the House Pending a Contest—Continued.

The House, in 1841, indicated its opinion that the returned Member might speak of right in his own election case, but that the contestant needed the consent of the House. Volume **I,** section **666.**

(307) Returned Member.—Prima Facie Title of.

The contestant must overcome contestee's prima facie right, invalidate the latter's title, and show himself entitled to the seat. Volume **II,** section **855.**

(308) Returned Member.—Personal Misconduct of.

Should participation of returned Member in bribery unseat him, although the bribed votes be not enough to change the result? Volume **II,** section **946.**

Argument that bribery on the part of a returned Member does not constitute a disqualification justifying his exclusion. Volume **II,** section **946.**

There being no suggestion that sitting Member was implicated in alleged bribery, and the amount alleged not being decisive, the House did not give weight to the charges. Volume **II,** section **971.**

Improper acts by a candidate's friends without his participation are of effect only so far as they are shown to have actually affected the result. Volume **II,** section **944.**

Should participation of returned Member in a scheme of intimidation relating to the election cause the seat to be vacated? Volume **II,** section **1039.**

The House recommitted a report in an election case for inquiry as to newly made charges of disloyalty against both parties. Volume **II,** section **868.**

Certain petitioners against the right of a returned Member to his seat having impugned his personal conduct in the election, the House rendered a decision thereon. Volume **I,** section **763.**

Payment of the expenses of a contestant by sitting Member on condition of latter's withdrawal was not held as a corrupt obtaining of the seat. Volume **II,** section **901.**

A State law forbidding a candidate to act as an election officer, participation of contestee as an acting officer was occasion of a division of opinion in the Elections Committee. Volume **II,** section **954.**

(309) Returned Member.—Disqualification of.

The person receiving the majority of the votes in a district being excluded as disqualified, the House, after careful examination, declined to seat the one receiving the next highest number. Volume **I,** section **450.**

A Member being appointed to an incompatible office, a contestant not found to be elected was not admitted to fill the vacancy. Volume **I,** section **807.**

(310) Returned Member.—Effect of Death, Resignation, or Withdrawal of, on a Contest

The returned Member having died before the taking of testimony in a contest was completed, the House held that the contest did not therefore abate. Volume **I,** section **735.**

Instance wherein a contest was maintained and contestant seated, although the returned Member had resigned before taking his seat. Volume **II,** section **985.**

Instance wherein the House decided an election contest against a returned Member who had not appeared to claim the seat. Volume **I,** sections **638, 649.**

(311) Returned Member—As Affected by Death or Withdrawal of Contestant.

A contestant dying after a report in his favor, the House unseated the returned Member and declared the seat vacant. Volume **II,** section **965.**

The contestant being dead, the swearing in of returned Member creates no estoppel to prevent further prosecution of the contest. Volume **II,** section **1019.**

The contestant having announced to the committee his abandonment of the contest, the House confirmed the title of sitting Member. Volume **I,** section **748.**

The contestant having withdrawn, the House passed a resolution confirming the title of sitting Member. Volume **I,** section **745.**

ELECTIONS OF REPRESENTATIVES—Continued.

(311) Returned Member.—As Affected by Death or Withdrawal of Contestant—Con.

It being demonstrated to the Elections Committee that contestant had withdrawn, the House confirmed the title of sitting Member. Volume **I,** section **743.**

(312) Returned Member.—Title Confirmed When Contestant Failed to Prosecute.

Contestant not having filed any testimony, the House confirmed the title of sitting Member. Volume **I,** section **754.**

A contestant having failed to produce testimony or respond to notification from the Elections Committee, the House confirmed the title of the returned Member. Volume **I,** section **755.**

(313) Returned Member.—Neglect to Take Testimony.

A question as to whether the duties of sitting Member to the House excuse him for neglecting to attend on taking testimony in an election case. Volume **I,** section **785.**

The returned Member was denied an extension of time to take testimony, although he pleaded that he had been detained by his duties in the House. Volume **I,** section **726.**

The electors are interested parties to a contest and may not be precluded by any laches of contestant or returned Member. Volume **II,** section **863.**

A contestee was not allowed the votes he proved aliunde when contestant, because of uncertainty of proof, could not be credited with any of the votes he undoubtedly received. Volume **II,** section **932.**

(314) Returned Member.—Service of Notice of Contest on.

The service of notice of contest at the residence is sufficient compliance with the law. Volume **I,** section **337.**

It was held in 1866 that under the law of 1851 notice of contest must be served upon the returned Member personally. Volume **II,** section **862.**

(315) Returned Member.—Action on Resolutions Relating to.

Form of resolution confirming the title of sitting Member to his seat. Volume **I,** section **769.**

The negativing of a resolution declaring a sitting Member not elected left him undisturbed in his seat. Volume **I,** section **760.**

(316) Returned Member.—In General.

Instance wherein a returned Member belonging to the majority party was unseated and a contestant belonging to the minority party was seated. Volume **II,** section **958.**

The House, overruling its committee, concluded to decide an election case as made up without giving sitting Member time for further investigation. Volume **I,** section **767.**

(317) Returns.—Functions of the House as Related to State Authority.

Returns of State officers are not binding on the House, which may go behind all returns in determining final right. Volume **I,** section **538.**

The certificate of a State executive, issued in strict accordance with State law, does not prevent examination of the votes by the House and a reversal of the return. Volume **I,** section **637.**

The House is not confined to the conclusions of returns made up in strict conformity to State law, but may examine the votes and correct the returns. Volume **I,** section **774.**

The House may canvass the returns and declare the result, although the required State canvass may not have been made. Volume **II,** section **1087.**

The fact that a return has been accepted and acted on by State authorities does not cure its inherent defects. Volume **II,** section **892.**

While canvassing officers must return votes as they are cast, the House is not bound by the return. Volume **I,** section **641.**

Although a State returning board had been declared the legal one by the State supreme court, the House disregarded its canvass, the fact being notorious that it never had possession of the returns. Volume **I,** section **624.**

ELECTIONS OF REPRESENTATIVES—Continued.

(317) Returns.—Functions of the House as Related to State Authority—Continued.

The canvassing of votes by an illegal board, while important to returning officers, does not prevent the House ascertaining the result from precinct returns. Volume **II,** section **915.**

The action of a State executive in throwing out votes was disregarded by the House. Volume **II,** section **884.**

While State canvassers are justified in requiring returns to be technically perfect, the House in judging final rights looks rather to the substance. Volume **II,** section **921.**

Being satisfied by extrinsic evidence that returns rejected by State canvassers for informalities were correct as to the result, the House counted them. Volume **II,** section **995.**

The House does not reject an unassailed return because the State canvassers may have refused to count it. Volume **II,** section **952.**

The House can not be precluded from going behind the returns by the fact that a State law gives canvassers the right to reject votes for fraud or illegality. Volume **II,** section **887.**

The House revised the action of certain canvassers who rejected polls for want of an abstract of votes. Volume **II,** section **851.**

Returns counted on mandamus of a State court and unassailed were counted without regard to the jurisdiction of the court to order the canvass. Volume **II,** section **952.**

The law governing the method of transmitting the testimony in an election case to the Clerk of the House was held to be directory merely. Volume **I,** section **736.**

The making of essential tally lists by unsworn volunteers, combined with other irregularities, caused the rejection of the return, although no fraud was shown. Volume **II,** section **913.**

A return was corrected on the evidence of the tally list, supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **999.**

Although a State returning board had been declared the legal one by the State supreme court, the House disregarded its canvass, the fact being notorious that it never had possession of the returns. Volume **I,** section **624.**

The House unseated a person returned as elected at a second election on ascertaining that another person had actually been chosen at the first election. Volume **I,** section **646.**

The Senate has entertained no doubt of its right to look behind the credentials given by a governor to the facts of the election. Volume **V,** section **5963.**

The acts of county canvassing officers being impeached, their returns must be disregarded, and the precinct returns should be consulted in awarding prima facie title. Volume **I,** section **577.**

Where canvassing officers acted arbitrarily, although not fraudulently, the House corrected their result by the precinct returns. Volume **II,** section **899.**

A question as to what constitutes a "determination of the result" of an election under the terms of the law of 1851 relating to notice of contest. Volume **I,** section **597.**

A decision as to what constitutes the determination of result within thirty days of which the notice of contest is to issue. Volume **II,** section **884.**

Decision as to what is a determination of result within the meaning of the law providing for serving notice of contest. Volume **II,** section **862.**

An affidavit taken without notice to opposing candidate and before the result had been determined was rejected as evidence. Volume **I,** section **618.**

A county canvassing board having ministerial duties only are presumed to act correctly, but this presumption may be rebutted at any time by reference to precinct returns. Volume **I,** section **577.**

It being possible to ascertain the result with certainty from tally lists returned with the ballots these returns are sufficient, although not strictly in accordance with law. Volume **II,** section **863.**

The Elections Committee declined to revise the returns on the strength of the tally lists, the election officers not being called or a recount of ballots made. Volume **II,** section **876.**

ELECTIONS OF REPRESENTATIVES—Continued.

(317) Returns.—Functions of the House as Related to State Authority—Continued.

Discussion as to the sufficiency of tally lists kept by watchers at the polls to impeach the returns of the officers. Volume **II,** section **1104.**

The governor of a State having declined to issue credentials to rival claimants, the House seated the one shown by prima facie official statement to have a majority of votes (footnote). Volume **I,** section **415.**

The parties having agreed that a return should be counted, and testimony being unsatisfactory, the House refused contestant's claim that the canvasser's rejection should be approved. Volume **II,** section **952.**

Where a canvassing officer had without doubt wrongfully rejected a decisive return, it was held that the burden of proof should be on the wrongfully returned Member. Volume **II,** section **883.**

(318) Returns.—Exercise of Judicial Powers by Canvassing Boards.

It is an extraordinary and dangerous policy for a State law to lodge in canvassing officers the power to reject votes. Volume **II,** section **887.**

Declaration of a House committee that returning boards with judicial authority are dangerous. Volume **I,** section **642.**

The decision of a board of canvassers as to the legality of votes, made in pursuance of State law, is regarded as prima facie correct. Volume **II,** section **887.**

Canvassing officers having judicial power may not reject the poll book as a return for the reason that theft of the ballots has prevented its verification. Volume **II,** section **1058.**

The House corrected that act of local canvassers who, without judicial power, threw out a poll. Volume **II,** section **970.**

A board of Territorial canvassers having heard evidence on the merits, the Elections Committee decided that neither party should be prejudiced thereby. Volume **I,** section **777.**

Where the State law gives canvassing officers the authority to correct irregularities they may not reject returns for lack of clearness. Volume **II,** section **1058.**

Where the State law does not make it the duty of an officer to make a report of the votes cast, a report from that officer is not accepted as evidence of the vote. Volume **II,** section **1054.**

Where canvassing officers reject returns transmitted unsealed, when the law requires them to be sealed, what evidence should the House require to overrule the canvassers? Volume **II,** section **1057.**

Discussion as to authority of a secretary of state, whose duties are ministerial only, to reject returns because of violations of registration laws. Volume **II,** section **873.**

(319) Returns.—Corrections by Canvassing Boards.

A board of county canvassers legally competent to recount may make such recount even after it has certified and forwarded the result of the first count. Volume **I,** section **581.**

A county court, charged by law with the duty of canvassing precinct returns, may correct its returns by a supplemental certificate, which should be taken into account by the governor in issuing credentials. Volume **I,** section **581.**

A State court decision that the formal returns of election officers should prevail over accompanying memoranda on sample ballots transmitted in accordance with law. Volume **I,** section **574.**

As to the validity of a supplemental return proven by the election officers and not by the best evidence, i.e., the ballots themselves. Volume **II,** section **948.**

Discussion as to the sufficiency of returns and the validity of the State canvass based thereon. Volume **II,** section **968.**

Election officers should return all votes cast in the Congressional box, even though for persons not qualified. Volume **I,** section **779.**

ELECTIONS OF REPRESENTATIVES—Continued.

(319) Returns.—Corrections by Canvassing Boards—Continued.

Although an uncertified return was rejected by the State canvassers the House counted it, sitting Member not having denied in his answer that the vote was cast as claimed by contestant. Volume **II,** section **960.**

The House revised the action of certain canvassers who had rejected polls for want of an abstract of votes. Volume **II,** section **851.**

The canvassing of votes by an illegal board, while important to returning officers, does not prevent the House ascertaining the result from precinct returns. Volumes **II,** section **915.**

The House very reluctantly gave prima facie effect to a certified abstract of returns not in the form of credentials as required by law, and issued after the time prescribed by law. Volume **I,** section **37.**

State canvassers being a court of record, their signed record, approved by the State courts, gives prima facie title, although at variance with their formal proceedings. Volume **II,** section **927.**

(320) Returns.—General Informalities in.

Affirmation of the doctrine that official returns are presumed to be correct until shown to be otherwise. Volume **VI,** section **189.**

Where the electors comply with the statutes the House should not reject their votes because returning officers have not been equally careful. Volume **I,** section **778.**

Votes fairly and honestly given should not be set aside for the omission or error of the returning officer. Volume **I,** section **638.**

Discussion as to duties of returning officers with reference to technical requirement of law. Volume **I,** section **802.**

A State law providing that an election shall not be defeated for mere irregularities, the House overruled the rejection of returns informal but evidently true. Volume **II,** section **1055.**

Instance wherein returns were held valid, although there were serious irregularities on the part of the returning officers. Volume **I,** section **828.**

The mere fact of a slight discrepancy between the returns and the check list does not, in the absence of fraud, invalidate the election. Volume **II,** section **1076.**

The House declined to reject for mere informality a return which truly represented the aggregate vote cast. Volume **I,** section **832.**

The returns of a county stating the actual aggregate vote for each candidate were not rejected by the committee for defect in form. Volume **I,** section **617.**

A defective precinct return irregularly transmitted was counted, there being no evidence of fraud and some evidence of its correctness. Volume **II,** section **896.**

The House declined to reject returns, although it was shown that some votes (not enough to change the result) actually cast were not included. Volume **I,** section **832.**

Failure of election officers to include in their returns votes for a certain office as required by law when said votes have been counted and tallied does not justify rejection of the poll. Volume **I,** section **583.**

A return made up "irregularly" from ballots that had not been properly kept was rejected. Volume **II,** section **910.**

Failure to return the poll book to the county officer as the law required was not held in the absence of proof of fraud, to vitiate the election. Volume **II,** section **904.**

The omission of the word "junior" in the return of a candidate's vote was corrected by the House on being shown by testimony. Volume **I,** sections **649, 650.**

The House declined to reverse the action of election officers who had returned for "Jonathan H. Wallace" votes cast for "J. Wales" and "Jonathan K. Walser." Volume **II,** section **987.**

Returns of soldiers' votes made to the county of their residence were not rejected by the House because a vote from another county was included, but that vote was rejected. Volume **I,** section **557.**

ELECTIONS OF REPRESENTATIVES—Continued.

(320) Returns.—General Informalities in—Continued.

Instance of returns of an election made by military officers under authority of reconstruction acts. Volume **I,** section **326.**

The House on the testimony of one witness assumed that county canvassers had improperly included an uncertified return. Volume **II,** section **981.**

Although the law requires ballots to be counted only after close of the voting, a partial count earlier does not necessarily vitiate the poll. Volume **II,** section **1049.**

The fact that an election officer, before he became such, had made a bet from which he withdrew before acting, did not vitiate the return. Volume **II,** section **1005.**

Conduct of unauthorized challengers, supplemented by the acts of partisan election officers, may contribute to taint a return. Volume **II,** section **1074.**

A succession of unexplained irregularities on the part of intelligent election officers destroys the presumption in favor of the returns. Volume **II,** section **1032.**

The presumption in favor of the truthfulness of official returns disappears on proof that the election officers violated the law. Volume **II,** section **1065.**

Where a voter offered his tickets in a bundle and lawfully requested that the election officers deposit them in the proper boxes, the House rejected the poll because the election officers declined so to do. Volume **II,** section **1089.**

The House declined to reject a return because of irregularities on the part of election officers and the settlement of discrepancies between the ballots and the poll list by additions. Volume **II,** section **1000.**

Votes apparently intended for Congressional candidates but returned as for a State office were counted without further inquiry. Volume **I,** section **816.**

The House did not indorse a proposition to declare a seat vacant because of irregularities on the part of election officers not shown to be corrupt. Volume **I,** section **807.**

In the absence of fraud or injustice irregular action by election officers does not vitiate the poll. Volume **I,** section **804.**

Returns of a precinct not being questioned failure to carry out the law as to preservation of other election papers does not justify rejection of the returns. Volume **II,** section **1076.**

Votes apparently intended for Congressional candidates, but returned as for a State office, were counted without further inquiry. Volume **I,** section **816.**

The Elections Committee in a sustained case declined to reject a poll because of informalities in the poll books and return. Volume **I,** section **770.**

The House, overruling its committee, declined to reject returns because of irregular making up of poll books and returns, no fraud being charged. Volume **I,** section **768.**

A requirement of law that the number of votes given shall be "set down in writing" on the poll book is fulfilled by the use of numerals. Volume **I,** section **773.**

While State canvassers are justified in requiring returns to be technically perfect the House in judging final right looks rather to the substance. Volume **II,** section **921.**

The House counted returns received by the State canvassers too late to be included in their summary. Volume **II,** section **1068.**

A State law providing that an election shall not be defeated for mere irregularities the House overruled the rejection of returns, informal, but evidently true. Volume **II,** section **1055.**

The House overruled the action of State officers who had rejected a county return because of a writing on the seal of the Clerk's certificate. Volume **I,** section **537.**

It being possible to ascertain the result with certainty from galley lists returned with the ballots these returns are sufficient, although not strictly in accordance with law. Volume **II,** section **863.**

In a simple case of discrepancy between the vote returned and the vote proven by testimony of voters the return was corrected, not rejected. Volume **II,** section **858.**

There being a discrepancy between the return and the vote proven to have been cast, the House corrected the return. Volume **II,** section **896.**

Where election officers returned twelve votes for contestant and seventeen electors swore they voted for him the House rejected the entire return. Volume **II,** section **1111.**

ELECTIONS OF REPRESENTATIVES—Continued.

(321) Returns.—Informalities as to Signing and Certifying.

Returns not signed or certified to by the election officers are not admissible. Volume **II,** section **1008.**

A return not certified by any of the officers of election was rejected, although on report of a divided committee. Volume **I,** section **538.**

The law requiring a return to be signed by three officers, at least two must sign to make the certificate evidence. Volume **II,** section **890.**

The House overruled the action of State officers who had rejected county return because of a writing on the seal of the clerk's certificate. Volume **I,** section **537.**

Failure of election officers to subscribe their names in full to their affidavits and returns does not vitiate the returns. Volume **II,** section **1085.**

The House being of opinion that votes were cast as returned declined to reject the return because not signed by the election judge as required by law. Volume **II,** section **847.**

Although an uncertified return was rejected by the State canvasses the House counted it, sitting Member not having denied in his answer that the vote was cast as claimed by contestant. Volume **II,** section **960.**

There being testimony showing the vote of a precinct, it is not material whether or not the returns are properly certified. Volume **I,** section **603.**

The failure of an officer to certify properly a return does not prevent the admission of secondary evidence to prove the actual state of the vote. Volume **I,** section **640.**

A precinct return, defective because the certificate of oaths of election officers was wanting but supplemented by a paper containing the required certificate, was accepted by the House, the State law forbidding rejection from mere informalities. Volume **I,** section **557.**

When irregularity of a jurat works rejection of a poll unless canvassing officers are satisfied that the oath was taken, the counting of the poll is conclusive offset to a faulty jurat. Volume **I,** section **583.**

A return was corrected on the evidence of the tally list supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **999.**

A return should not be rejected because the signatures of the election judges, by their direction and in their presence, were made by the clerk. Volume **II,** section **1108.**

A return not signed by the election officers as required by law is properly rejected. Volume **II,** section **1055.**

The returns from an election precinct not being certified in any manner whatever, they were rejected by the House. Volume **II,** section **880.**

The House, being of opinion that votes were cast as returned, declined to reject the return because not signed by the election judge as required by law. Volume **II,** section **847.**

Returns not being signed by the election officers and not being sustained by evidence, they were rejected. Volume **II,** section **1032.**

County returns informally signed and the accuracy of which was impeached by evidence were rejected by the House. Volume **II,** section **1053.**

Does the absence from the returns of certificates prescribed by law vitiate an election of which the result may be known from other legal returns? Volume **II,** section **888.**

There being no evidence of fraud and some evidence of the corrections of the vote, the House counted a return whereon the election officers did not subscribe to the oath. Volume **II,** section **896.**

In dealing with ballots whereon occurs an error in a name the limitations of the House are very different from those of canvassing officers. Volume **I,** section **639.**

(322) Returns.—Informatlities as to Canvassing and Consolidation.

The vote is not vitiated by failure to observe a directory law as to method of tabulation of returns. Volume **II,** section **915.**

Discussions of the validity of a return made by a canvassing board irregularly organized. Volume **II,** section **948.**

ELECTIONS OF REPRESENTATIVES—Continued.

(322) Returns—Informalities as to Canvassing and Consolidation—Continued.

The House confirmed a canvass made by a local board later than the date prescribed by law, the explanation of the delay being sufficient. Volume **II,** section **1087.**

A failure of the canvassing board to meet within the time required by law being satisfactorily explained, was held by the House not to affect the Member's title. Volume **I,** section **764.**

No fraud being shown a slight irregularly in canvassing returns was not considered by the Elections Committee. Volume **II,** section **1132.**

The House counted returns rejected by State canvassers for mere informalities. Volume **II,** section **1032.**

The House counted votes rejected by a State canvassing board because returned by error for persons not candidates for Congress. Volume **I,** section **774.**

The return of a canvassing officer is given prima face effect, although he may have omitted from it the votes of certain precincts. Volume **II,** section **894.**

Precinct returns being impeached only the fact of suspicious custody they were counted in spite of gross irregularities in the consolidated returns therefrom. Volume **II,** section **897.**

(323) Returns—Missing.

The House counted votes duly certified but not delivered to the State canvassers because of negligence of a messenger. Volume **I,** section **774.**

A county clerk having failed to forward certain returns to State canvassers, the House admitted a certified copy of the returns on file as evidence of the vote. Volume **II,** section **1022.**

Instance of an election proven by testimony of participants, the returning officers serving a secession government and making no return. Volume **I,** section **365.**

The returns being stolen after they were made out by the election officer, their contents was proven orally by one witness. Volume **II,** section **1043.**

The original primary returns being inaccessible because of the contention of rival returning boards, the House gave credit to secondary evidence as to what they showed. Volume **I,** section **625.**

The evidence failing to establish as legal an election whence no returns were received, the House declined to take it into account. Volume **II,** section **1043.**

Where State officers estimated a return from the tally sheets, there being no formal returns as required by a directory State law, the House did not require a recount of the ballots, there being no charge that the tally sheets were incorrect. Volume **II,** section **1076.**

Original returns of the precincts being lost, the House, by testimony, proved that certain votes returned as "scattering" because of misnomer were actually cast for contestant. Volume **I,** section **38.**

Returns having been lost or destroyed, testimony of election officers being conflicting and the voters not having been called, the vote was not counted. Volume **II,** section **914.**

The election (distinguished from the return) was set aside when the best obtainable evidence showed the vote only approximately. Volume **II,** section **914.**

(324) Returns—Irregularly Transmitted.

An election return, required by law to be made on or before a certain day, should be counted if presented after that day, provided it be otherwise correct. Volume **I,** section **554.**

A State law requiring returns to be made to the secretary of state within a given time was held to be directory merely and not to prevent the House from counting the votes. Volume **I,** section **812.**

The House decided to count certain returns rejected by local canvassers because not transmitted within the time required by law. Volume **I,** section **834.**

The House counted returns received by the State canvassers too late to be included in their summary. Volume **II,** section **1068.**

ELECTIONS OF REPRESENTATIVES—Continued.

(324) Returns.—Irregularly Transmitted—Continued.

No fraud being alleged the House counted returns transmitted in an unsealed package, although the State law required the package to be sealed. Volume **I,** section **774.**

A true return should be counted, although delivered by an election registrar when the law specifies one of the judges. Volume **II,** section **953.**

The Elections Committee reversed the action of local canvassers who had rejected returns transmitted by an election officer of doubtful appointment. Volume **II,** section **983.**

Returns in themselves suspicious, transmitted irregularly, and opened by an unauthorized person were rejected. Volume **I,** section **840.**

Returns impeached on their face and forwarded irregularly were not counted by the House until explained by evidence. Volume **II,** section **890.**

An outside poll informally held and rejected by State canvassers may, under certain circumstances, be counted by the House. Volume **II,** section **1031.**

The House, respecting a written agreement of the parties, counted a return which State canvassers had rejected as forged. Volume **II,** section **924.**

The decisions of election officers that ballots were fraudulently folded were reviewed and reversed by the House. Volume **I,** section **775.**

An election is not vitiated by failure to observe a directory law that the ballots shall be returned within a given time. Volume **I,** section **781.**

Question as to whether or not a law requiring returns to be transmitted sealed should be considered mandatory or directory. Volume **II,** section **922.**

Where canvassing officers reject returns transmitted unsealed when the law requires them to be sealed, what evidence should the House require to overrule the canvassers? Volume **II,** section **7.**

The House confirmed a canvass made by a local board later than the date prescribed by law, the explanation of the delay being sufficient. Volume **II,** section **1087.**

The House decided to count certain returns rejected by local canvassers because not transmitted within the time required by law. Volume **I,** section **834.**

Returns will not be rejected because returning officers informally make a necessary correction after they have formally made them up. Volume **II,** section **1027.**

As to the validity of a supplemental return proven by the election officers and not by the best evidence, i.e., the ballots themselves. Volume **II,** section **948.**

An election being properly conducted, the House counted a return made by a portion of the election officers, the others having declined to act. Volume **II,** section **895.**

The House, overruling the committee, declined to find the return of the election officers fraudulent on the strength of an impeached recount of the votes, Volume **II,** section **847.**

The House counted votes duly certified, but not delivered to the State canvassers because of negligence of a messenger. Volume **I,** section **774.**

There being evidence raising a suspicion of fraud, the House rejected a return made in disregard of the requirements of law and by the hands of unauthorized persons. Volume **II,** section **916.**

A defective precinct return, irregularly transmitted, was counted, there being no evidence of fraud and some evidence of its correctness. Volume **II,** section **896.**

(325) Returns.—Relations of United States Supervisors to.

Reference to a discussion of the return of United States supervisors as evidence of the vote cast. Volume **II,** section **960.**

The regular returns being lost or invalidated and not canvassed the House took into account a statement of the United States supervisors as to the state of the vote. Volume **II,** section **1014.**

Although illiterate election officers seemed to have been appointed purposely, yet the House was reluctant to reject their returns when the safeguard of Federal inspectors had existed. Volume **II,** section **973.**

Elections of Representatives—Continued.

(325) Returns.—Relations of United States Supervisors to—Continued.

Discussion as to whether or not a result corroborated by Federal supervisors might be set aside by a recount by State officials. Volume **II,** section **931.**

(326) Returns.—In Cases of Uncertainty, Fraud, or Intimidation.

The House having deducted from the returns the number of votes cast by disqualified persons awarded the seat to the candidate receiving the highest number of votes cast by qualified voters. Volume **I,** sections **762, 765.**

The House having corrected the returns by an ascertainment of the qualifications of certain voters seated the contestant in accordance with the findings. Volume **I,** section **767.**

When a Member was returned by a majority of one, which was rendered uncertain by a recount, the House declared the seat vacant. Volume **I,** section **824.**

The fact that a decisive number of voters stand in line to vote and are prevented justifies a declaration that the seat is vacant. Volume **II,** section **1033.**

Where fraud so permeated a large part of the district as to prevent a full, free, and fair expression of the voters' will, the seat was declared vacant. Volume **II,** section **1123.**

Although the fraud in a district may be extensive, the House prefers to purge the return rather than declare the seat vacant. Volume **II,** section **1103.**

To vitiate the election of returned Member a general scheme of fraud must be proven both to have existed and to have been effective. Volume **II,** section **967.**

Where an unconstitutional State law disfranchises a large class, the House prefers to measure the wrong rather than declare a vacancy. Volume **II,** section **1075.**

Although violence, intimidation, and fraud were extensive in a district, yet as it did not appear that the result was affected by those means the returned Member was confirmed. Volume **II,** section **1082.**

The returns of 41 out of 116 election precincts being rejected, the contestant was seated on his plurality in the remaining precincts, which cast over half of the returned vote. Volume **II,** section **1128.**

The returns of a decisive portion of the district having been lost and the vote not being proven aliunde, the House declined to declare the seat vacant or examine further before seating contestant. Volume **II,** section **914.**

The House declined to hold valid an election which was entirely broken up by contending armies, so that only fragmentary and informal returns could be obtained. Volume **I,** section **373.**

(327) Returns.—Related to Precinct Officers.—Temporary Absence From Polls.

Although the State law forbade temporary closing of a poll on penalty of vitiating the election, yet the harmless act of suspending voting while the officers dined was overlooked. Volume **II,** section **866.**

Temporary absence of a portion of the election officers for purpose of dining was not considered ground for rejecting the poll. Volume **II,** section **866.**

No fraud being alleged, absence of election officers from the poll for dinner or other reason does not justify rejection of the poll. Volume **II,** section **1049.**

Temporary absence of election officers from the poll does not invalidate the vote, no harm resulting therefrom. Volume **II,** section **1054.**

Temporary absence of the election judges, the voting being left under charge of honest election clerks, did not vitiate the poll. Volume **II,** section **1027.**

(328) Returns.—Related to Precinct Officers.—Marking of Ballots.

Because the officer who assists illiterates to mark their ballots takes a narrow and technical view of his duties under the law does not justify rejection of the poll. Volume **II,** section **1080.**

Misconduct of the officer who assists illiterates to mark their ballots justifies correction, but not rejection of the poll. Volume **II,** section **1080.**

ELECTIONS OF REPRESENTATIVES—Continued.

(328) Returns.—Related to Precinct Officers.—Marking of Ballots—Continued.

Where a marking judge refused assistance to voters, the House did not reject the returns, but added votes proven aliunde. Volume **II,** section **1109.**

Where election markers fraudulently mark the ballots of illiterate voters, the returns may be impeached by the testimony of the voters as to the ballots they intended to vote. Volume **II,** section **1102.**

Where election officers procured incorrect markings for illiterate voters, so that the ballots were rejected, the House corrected but did not reject the vote. Volume **II,** section **1097.**

Where a law requiring ballots to be numbered, even though directory merely, was totally disregarded and the poll books and ballot box disagreed essentially, the returns were rejected. Volume **II,** section **1128.**

(329) Returns.—Related to Conduct of.—Ballots.

No surprise being practiced on the voters, who were free to vote for whom they pleased, alleged irregularities in placing a name under a party emblem do not vitiate the election. Volume **II,** section **1117.**

The House favored purging rather than rejecting the return of an entire county wherein a partisan county electoral board had so printed the ballot as to confuse voters. Volume **II,** section **1080.**

A ballot complicated and unfair, but not shown to be issued in pursuance of any conspiracy, was not considered as a reason for discarding the return. Volume **I,** section **737.**

The House purged the poll rather than to declare a vacancy when a fraudulent ballot was used in a decisive county. Volume **II,** section **1095.**

It being impossible to determine for whom informal ballots (issued because the regular ones had failed) had been cast, the House did not correct the return. Volume **II,** section **1088.**

Where the law requires a vote by ballot an election viva voce is not permissible and is a reason for rejection of the returns. Volume **I,** section **773.**

(330) Returns.—Related to Conduct of.—Registration.

The law requiring voters to be registered in order to vote, a poll whereat there was no registration was rejected. Volume **II,** section **1051.**

The House made no correction for a limited number of persons registered at an illegal time, there being no proof of how they voted. Volume **II,** section **1088.**

Failure of county officers to verify formally a registration list did not invalidate the election, no voter being deprived of any right. Volume **II,** section **1084.**

Failure to keep the registration books open the required time does not justify rejection of the return if harm is not shown to have resulted. Volume **II,** section **1049.**

The use of an unofficial compilation of a registration list to aid in reference during the voting was held not to vitiate the poll. Volume **II,** section **871.**

(331) Returns.—Irregularities as to.—In Names.

Clerical errors whereby names of candidates are spelled wrong in the returns do not invalidate correct ballots. Volume **II,** section **1051.**

Election officers having omitted the word "junior" in returning the vote of a candidate in two towns, the House seated the candidate on finding that the error had affected the result decisively. Volume **I,** section **648.**

(332) Returns.—Irregularities as to.—Tally Lists, Poll Books, etc.

It being possible to ascertain the result with certainty from alley lists returned with the ballots, these returns are sufficient, although not strictly in accordance with law. Volume **II,** section **863.**

Returns made up from additions of names of voters on the poll books instead of from count of the ballots were rejected, although there was no evidence of error or fraud in the returns. Volume **I,** section **542.**

ELECTIONS OF REPRESENTATIVES—Continued.

(332) Returns.—Irregularities as to.—Tally Lists, Poll Books, etc.—Continued.

Neglect of election officers to place ballots, poll lists, and talley sheets in a fastened box, as required by law, does not, in the absence of fraud, invalidate the return. Volume **II,** section **1076.**

The mutilation of ballots in the return of election officers did not cause rejection of the returns in absence of proof of fraud on part of the officers or the party apparently benefited. Volume **II,** section **1131.**

The vote is not vitiated by failure to observe a directory law as to method of tabulation of returns. Volume **II,** section **915.**

The returns of a county, stating the actual aggregate vote for each candidate, were not rejected by the committee for defect in form. Volume **I,** section **617.**

Instance of returns of an election made by military officers under authority of reconstruction acts. Volume **I,** section **326.**

Registration being a condition of voting, the House declined to reject a precinct whereof the registration list was not shown to have been returned as required by law. Volume **II,** section **871.**

(333) Returns.—As Related to Prima Facie Title.—In General.

In ordering an investigation as to prima facie right, the House referred with the credentials documents showing the state of the returns. Volume **I,** section **44.**

Instance wherein the House, disregarding the certificate of the governor, ascertained prima facie right on the returns of the local officers. Volume **I,** section **794.**

The Elections Committee declined to favor giving a petitioner prima facie title to a seat because a partial investigation showed a majority for him. Volume **I,** section **772.**

In determining prima facie right the majority of the Elections Committee, in a sustained report, declined to consider papers other than those coming legally from the proper certifying officers of the district. Volume **I,** section **556.**

In determining prima facie right the House went behind a certificate in due form, the bearer of which waived his prima facie right, and consulted the returns. Volume **I,** section **45.**

While the Clerk may not give prima facie effect to credentials not explicitly showing the bearers to be duly elected, the House has done so after examining the returns. Volume **I,** section **328.**

In the early practice it was the duty of the Committee on Elections to examine and report on the credentials of all the Members (footnote). Volume **I,** section **568.**

(334) Returns.—As Related to Prima Facie Title.—Sometimes Awarded on Strength of.

The House, acting on a divided report, determined the prima facie right by the returns of the district certifying officers, although they were impeached by accompanying papers. Volume **I,** section **556.**

The law requiring a formal proclamation of the governor, the House declined to give prima facie effect to an informal executive communication, especially as the House had the returns. Volume **I,** section **559.**

The Clerk declined to enroll a person bearing as credentials a mere abstract of returns, although certified by the governor under seal of the State. Volume **I,** section **37.**

The House declined to give prima facie title to a contestant on the strength of the returns, although the bearer of the credentials waived his prima facie right. Volume **I,** section **45.**

The House very reluctantly gave prima facie effect to a certified abstract of returns not in the form of credentials as required by law, and issued after the time prescribed by law. Volume **I,** section **37.**

In a case where there were no credentials, the House, in examining as to prima facie right, declined to permit the election returns to be considered by the committee. Volume **I,** section **559.**

ELECTIONS OF REPRESENTATIVES—Continued.

(335) Returns.—As Related to Prima Facie Title.—Duties of Canvassing Officers.

Credentials should be based on the face of the returns and not on an examination of the votes. Volume **I,** section **541.**

Criticism of a governor who issued a certificate on a canvass omitting decisive county returns because of legal proceedings to secure a recount. Volume **II,** section **1036.**

The governor having declined to issue credentials because of unsatisfactory returns, the Clerk declined to enroll either claimant, although the governor officially expressed an opinion that a certain one was elected. Volume **I,** section **559.**

In ascertaining prima facie title the governor should make intelligible an obscure return from the records of a returning board when said board has the functions of a court of record. Volume **I,** section **582.**

The law requiring a return to "set forth in words at length" the number of votes, the governor in awarding prima facie right should construe an obscure word as a word in full, not an abbreviation. Volume **I,** section **582.**

A county court, charged by law with the duty of canvassing precinct returns, may correct its returns by a supplemental certificate, which should be taken into account by the governor in issuing credentials. Volume **I,** section **581.**

A divided committee once held that canvassers, not having judicial authority, should count votes returned under variations of name in determining prima facie right. Volume **II,** section **986.**

Conflicting returns rendering it impossible for a governor to issue any credentials, the Clerk enrolled neither claimant to the seat. Volume **I,** section **556.**

(336) Returns.—In General.

The returns of a decisive portion of the district having been lost, and the vote not being proven aliunde, the house declined to declare the seat vacant or examine further before seating contestant. Volume **II,** section **914.**

The House declined to reject returns, although it was shown that some votes (not enough to change the result) actually cast were not included. Volume **I,** section **832.**

The fact that votes proven to have been cast by testimony of the voters do not appear in the count does not vitiate an election when not numerous enough to affect the result appreciably. Volume **II,** section **1110.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

The returns of a county stating the actual aggregate vote for each candidate were not rejected by the committee for defect in form. Volume **I,** section **617.**

There being testimony showing the vote of a precinct, it is not material whether or not the returns are properly certified. Volume **I,** section **603.**

A requirement of law that the number of votes given shall be "set down in writing" on the poll book is fulfilled by the use of numerals. Volume **I,** section **773.**

Kind of proof accepted to prove votes additional to those returned for contestant at a precinct where his supporters were unable to read or write. Volume **II,** section **896.**

A declaration of result in open ward meeting, under a State law, was held prima facie evidence of the result, but controllable by evidence. Volume **II,** section **849.**

Discussion as to the validity of an amended return under the law of Massachusetts in 1864. Volume **II,** section **849.**

The fact of a Member's resignation not appearing either from the credentials of his successor or otherwise, the House ascertained the vacancy from information given by other Members. Volume **II,** section **1208.**

An affidavit intended to explain a clerical error in returns was given little weight by the Elections Committee because of its ex parte character. Volume **I,** section **45.**

A claimant who received a small vote not officially canvassed or declared but cast on the legal day, was preferred to one receiving a far larger vote on a day not the legal one. Volume **I,** section **524.**

ELECTIONS OF REPRESENTATIVES—Continued.

(336) Returns.—In General—Continued.

A State court decision that the formal returns of election officers should prevail over accompanying memoranda on sample ballots transmitted in accordance with law. Volume **I,** section **574.**

Candidates at an inconclusive election having waived their claims, the House held that the result of a new election might not be disturbed because of alleged errors in the first election. Volume **I,** section **555.**

Reference to a discussion of the return of United States supervisors as evidence of the vote cast. Volume **II,** section **960.**

As to what is a sufficient return of rejected ballots under the Kentucky election law. Volume **II,** section **1120.**

An instance wherein the State executive transmitted the resignation of a Member with the credentials of his successor. Volume **II,** section **1196.**

Sometimes the House learns of the resignation of a Member only by means of the credentials of his successor. Volume **II,** section **1195.**

The Elections Committee, in a sustained case, ruled that all votes recorded on the poll lists should be presumed good unless impeached by evidence. Volume **I,** section **771.**

A Member-elect producing credentials showing his election to fill the vacancy caused by the decease of his predecessor is sworn in at once, although no other notice of the decease may have been given to the House. Volume **I,** section **568.**

Election officers are justified in refusing to count for a candidate for Congress ballots cast in a box other than the Congressional box. Volume **I,** section **779.**

The Senate declined to inquire into the titles of the members and presiding officer of a legislative body, the legality of the organization being unimpeached. Volume **I,** section **551.**

The House may count votes improperly rejected by election officers. Volume **I,** section **562.**

The action of a State executive in throwing out votes was disregarded by the House. Volume **II,** section **884.**

Contestant's notice not having specifically demanded the rejection of an entire precinct, the Committee on Elections corrected the poll, although rejection appeared justifiable. Volume **II,** section **875.**

Where a canvassing officer had without doubt wrongfully rejected a decisive return it was held that the burden of proof should be on the wrongfully returned Member. Volume **II,** section **883.**

Being satisfied by extrinsic evidence that returns rejected by State canvassers for informalities were correct as to result, the House counted them. Volume **II,** section **995.**

Although an uncertified return was rejected by the State canvassers, the House counted it, sitting Member not having denied in his answer that the vote was cast as claimed by contestant. Volume **II,** section **960.**

(337) Returns, Rejection of.—Power of Canvassing Officers as to.

The governor of a State as canvassing officer is not justified in rejecting votes duly cast and returned. Volume **II,** section **884.**

A canvassing officer may not reject returns which are regular on their face because the registration law may have been violated in the district in question. Volume **II,** section **867.**

Discussion as to the effect of an alleged unconstitutional registration law in an election case. Volume **I,** section **720.**

The House overruled the action of State officers who had rejected a county return because of a writing on the seal of the clerk's certificate. Volume **I,** section **537.**

The House, overruling its committee, declined to invalidate a close election because of an interference not shown definitely to have been effective by a body of United States troops. Volume **I,** section **760.**

The majority of the Elections Committee, in a sustained case, concluded that the House was not concerned about undue influence used in the nomination of a candidate. Volume **I,** section **46.**

ELECTIONS OF REPRESENTATIVES—Continued.

(337) Returns, Rejection of.—Power of Canvassing Officers as to—Continued.

An election having been peaceable in three-fourths of a district it was not declared invalid because of violence and intimidation in the remainder. Volume **I,** section **341.**

As to evidence on which votes may be proven aliunde when the ballot box has been taken by armed force and witnesses intimidated. Volume **II,** section **1038.**

The House declined to reject the poll for riot which did not interrupt the election or prevent an ascertainment of the result. Volume **II,** section **845.**

Riots at the polls, even involving election officers, were not given weight except where contributing to impeach the integrity of unsworn election officers. Volume **I,** section **843.**

Charges of riot and intimidation being to some extent substantiated, yet the committee believed that in case of doubt the returns should stand. Volume **I,** section **833.**

Disturbance at the polls does not, in the absence of specific evidence as to the effect of intimidation, justify rejection of the poll. Volume **II,** section **891.**

Disturbance at the polls incident to the removal of a contestant for the office of election judge does not vitiate the poll. Volume **II,** section **874.**

Isolated cases of violence or intimidation do not justify a rejection of the poll. Volume **II,** section **906.**

Disorder before the opening of the polls and for the purpose of affecting the choice of election officers and not affecting the poll itself was disregarded by the House. Volume **II,** section **1068.**

(338) Returns, Rejection of.—Irregularities as to Precincts and Notice.

Returns from a precinct not by law a part of the district were rejected. Volume **I,** section **840.**

Because a county was not legally organized, and the election was not held on the legal day, and nonresidents voted, the entire vote of the county was rejected by the committee. Volume **I,** section **616.**

Votes from a country illegally organized, whose election officers were improperly commissioned and where there was some fraud, were rejected. Volume **I,** section **840.**

Time and place of an election being fixed by law, the failure of officials to give a required notice was held not to justify rejection of the returns. Volume **II,** section **966.**

The House declined to reverse a return on the possibility but not the probability that the voters of two towns accidentally not included in the notice of election might have changed the result had they voted. Volume **I,** section **761.**

No legal notice of election at a certain precinct being given the poll was rejected by the committee, although the day of election was fixed by law. Volume **I,** section **617.**

Failure to comply with the law in one precinct does not necessarily disqualify the vote cast in another precinct in the same election. Volume **VI,** section **188b.**

When an election is moved from the prescribed place to another should the poll be rejected or corrected with reference to the voters who did not attend? Volume **II,** section **1058.**

The holding of an election in a place other than the legal place does not cause rejection of the poll when evidence shows that no voter was deprived of his rights thereby. Volume **I,** section **584.**

The removal of the poll from the place prescribed by law was violation of a mandatory provision justifying its rejection. Volume **II,** section **926.**

A poll unauthorized by law, taken at a place different from the legally appointed place under control of partisan officers, was rejected. Volume **II,** section **924.**

A neglect of the law prescribing the boundaries of voting districts being sanctioned by 18 elections the House refused to reject the returns therefrom. Volume **II,** section **866.**

The House rejected votes cast at a precinct on an Indian reservation which was by law excluded from the domains of a Territory. Volume **II,** section **889.**

The House counted votes cast at a precinct within a military reservation of which the title and jurisdiction were temporarily with the United States by Executive order. Volume **II,** section **889.**

ELECTIONS OF REPRESENTATIVES—Continued.

(338) Returns, Rejection of.—Irregularities as to Precincts and Notice—Continued.

Failure to hold an election in two townships, no reason being ascertained for such failure, did not affect the general result. Volume **II,** section **937.**

The State legislature in fixing the place of election may condition the place on the movements of soldier voters. Volume **II,** section **856.**

A county board charged by law with the immediate canvassing and transmittal of precinct results may not change a prima facie result by correcting alleged errors in precinct returns. Volume **I,** section **538.**

There being testimony showing the vote of a precinct, it is not material whether or not the returns are properly certified. Volume **I,** section **603.**

A tainted vote from an illegally organized county was rejected. Volume **I,** section **840.**

A doubt as to whether or not an election precinct existed or had been abolished did not vitiate a vote duly cast and returned. Volume **II,** section **895.**

Returns made by volunteer officers at "outside polls" of votes cast by persons of unknown qualifications were rejected. Volume **II,** section **894.**

An election being opened after the legal hour and evidence showing only half the registration as voting, the poll was rejected, although essential harm was not shown. Volume **II,** section **953.**

County commissioners having established election districts at a special meeting when the law specified a stated meeting the action was void. Volume **II,** section **911.**

An election is not vitiated by unavoidable delay beyond the legal limit in arranging voting districts. Volume **II,** section **1110.**

A voting place fixed by competent authority being changed without competent authority, the votes cast there were rejected. Volume **I,** section **838.**

The holding of an election is a place other than the legal place does not cause rejection of the poll when evidence shows that no voter was deprived of his rights thereby. Volume **I,** section **584.**

The election district having been illegally constituted, the votes cast therein were rejected. Volume **II,** section **911.**

Votes cast at precincts having no legal existence at the time of the election were thrown out by the House. Volume **I,** section **542.**

A reservation being excluded by law from the limits of a Territory, the votes of persons residing thereon and not within the precinct as required by law were rejected by the committee. Volume **I,** section **616.**

A doubt as to whether or not an election precinct existed or had been abolished did not vitiate a vote duly cast and returned. Volume **II,** section **895.**

A neglect of the law prescribing the boundaries of voting districts being sanctioned by 18 elections, the House refused to reject the returns therefrom. Volume **II,** section **866.**

The State law requiring the polls to be open from "sunrise to sunset," and the polls being closed at sunset and then reopened, the votes cast after sunset were rejected. Volume **II,** section **872.**

The Elections Committee declined to ratify the rejection of a poll because it had been closed too early, no injury being shown. Volume **II,** section **893.**

Although the State law forbade temporary closing of a poll on penalty of vitiating the election, yet the harmless act of suspending voting while the officers dined was overlooked. Volume **II,** section **866.**

Votes cast at an election adjourned beyond the time permitted by law were rejected. Volume **I,** section **783.**

(339) Returns, Rejection of.—For Unfairly Constituted Board of Officers.

Where a particular election board denies representation to the opposing party, the returns, being impeached by evidence, are rejected. Volume **II,** section **1115.**

Unfair representation on the election board of precinct and disorder at the polls were held not to justify rejection of the return of the precinct. Volume **I,** section **721.**

ELECTIONS OF REPRESENTATIVES—Continued.

(339) Returns, Rejection of.—For Unfairly Constituted Board of Officers—Continued.

The law providing for representation of both parties on the board of election offers being violated and the vote being impeached, the House rejected the return. Volume **II,** section **964.**

Friend of contestant having been excluded from the count and contestee's agents having prevented the best testimony, the House excluded the return on secondary evidence, Volume **II,** section **1033.**

(340) Returns, Rejection of.—For Participation of Unauthorized or Unsworn Officers.

Handling of the ballots by an unauthorized person during the count, fraud being shown, does not vitiate the return. Volume **II,** section **1001.**

The making of essential tally lists by unsworn volunteers, combined with other irregularities, caused the rejection of return, although no fraud was shown. Volume **II,** section **913.**

Failure to swear the election officers, combined with other irregularities, was, by a divided committee, held not to require rejection of the poll, actual fraud not being shown. Volume **II,** section **904.**

Although de facto officers presided and returns were transmitted unsealed by an unauthorized person, the House did not reject the return. Volume **II,** section **912.**

Participation of a United States marshal in the duties of election officers, no harm being shown, did not justify rejection of the return. Volume **II,** section **1058.**

Election officers should return all votes cast in the Congressional box, even though for persons not qualified. Volume **I,** section **779.**

Does a numbering of the ballots by election officers who know it to be illegal justify rejection of the poll for intimidation? Volume **II,** section **947.**

Rejected ballots being illegally destroyed by election officers who were partisans of contestant and against protest, contestant was held entitled to the advantage of every doubt. Volume **II,** section **1079.**

Instance of rejection of a precinct return because of violation of an alleged mandatory law requiring ballots to be counted before adjournment of the election. Volume **II,** section **1113.**

A small excess of votes the box over names on the poll list does not justify rejection of a poll, no fraud being shown. Volume **II,** section **878.**

Handling of the ballots by an unauthorized person does not invalidate the poll in the absence of evidence showing harm therefrom. Volume **II,** section **1054.**

No fraud being shown, votes were counted, although the box was for a time irregularly in the custody of sitting Member. Volume **I,** section **759.**

No fraud being shown, irregularities in the receiving and custody of ballots were not held sufficient to justify the rejection of the returns. Volume **I,** section **778.**

A mere technical violation of the law as to custody of the ballot box, no injury being shown to anyone, does not justify rejections of the poll. Volume **I,** section **584.**

Election judges and clerks sworn by one having no legal right to administer the oath, were regarded by the House as de facto officers, and the returns were counted, the State law forbidding rejection for mere informalities. Volume **I,** section **558.**

There being no evidence of fraud and some evidence of the correctness of the vote, the House counted a return whereon the election officers did not subscribe to the oath. Volume **II,** section **896.**

Handling of the ballots by parties other then the officers does not necessarily cause rejection of the poll. Volume **II,** section **1049.**

Failure election officers of sworn, no fraud damaging to the petitioner being shown, was apparently considered no sufficient to justify rejection of there returns. Volume **I,** section **778.**

A poll fairly conducted should not be set aside because as election officer had not been sworn. Volume **I,** section **810.**

ELECTIONS OF REPRESENTATIVES—Continued.

(340) Returns, Rejection of.—For Participation of Unauthorized or Unsworn Officers— Continued.

No fraud of injury being alleged, the Elections Committee declined to reject a poll because of neglect of the election officers to take the required oath. Volume **I,** section **770.**

Mere failure of election officers to take the oath prescribed by law does not vitiate the returns. Volume **II,** section **1058.**

The sole objections that elections officers are not sworn does not justify rejection of the poll. Volume **II,** section **1049.**

No fraud being shown and no specific fraudulent act being alleged, the House declined to reject a poll because unsworn persons assisted in the count. Volume **I,** section **584.**

It is dangerous step to disfranchise a precinct because election officers have failed to take the required oath. Volume **II,** section **1036.**

Failure of the judges of an election to take the required oath was held to vitiate the return. Volume **II,** section **831.**

The neglect of the officer conducting the poll to take the required oath is ground for rejecting the poll. Volume **I,** section **782.**

A minority argument that a poll should be rejected for failure of an election officer to be sworn. Volume **I,** section **807.**

There being evidence of both fraud and intimidation, the failure of election officers to be sworn vitiated the returns. Volume **II,** section **884.**

Election officers sworn by an unauthorized sheriff, who was an officious intruder, the poll was rejected. Volume **II,** section **954.**

Participation of an unsworn person in the count may be held a contributory irregularity justifying rejection of a poll. Volume **I,** section **560.**

The illiteracy of election officers having prevented the ascertainment of any substantiated return, the House rejected the poll. Volume **II,** section **1025.**

There being only two inspectors of election where the law required three, the returns were rejected. Volume **I,** section **838.**

An informal poll held by one election officer instead of three, and irregularly conducted, was rejected. Volume **II,** section **1015.**

The law requiring two officers to officiate at a poll, votes taken by one officer acting in the capacity of the two required were rejected. Volume **I,** section **782.**

The law requiring the presence of the sheriff at the voting, the committee rejected votes cast in his absence, but the House reversed this ruling. Volume **I,** section **54.**

(341) Returns, Rejection of.—As to Officers.—When No Qualified.

Returns are not vitiated simply because election officers lack certain qualifications required by law. Volume **II,** section **1085.**

Although a portion of the election officers were disqualified persons corruptly. the Elections Committee did not reject the poll, but corrected the return by a recount. Volume **II,** section **1016.**

Election officers not being residents of the precinct as required by law, the poll was rejected. Volume **II,** section **881.**

One of the election judges being disqualified by law to act as judge, the return were rejected. Volume **II,** section **866.**

The fact that an election officer, before he became such, had made a bet from which he withdrew before acting did not vitiate the return. Volume **II,** section **1005.**

Participants of relative of a contestant as election officers was not held fatal to return, although the State constitution might seem to imply a prohibition of such participation. Volume **I,** section **778.**

When the law forbids a candidate to be an election officer is a poll for Congressman void because a candidate for a local office is such officer? Volume **II,** section **1049.**

ELECTIONS OF REPRESENTATIVES—Continued.

(342) Returns, Rejection of.—For Irregular or Bad Conduct of Officers.

Irregularities found to be infractions of directory provisions of law do not justify rejection of the poll. Volume **II,** section **925.**

It being shown that election officers had flagrantly ignored and violated mandatory law, the House declined to purge and rejected the poll. Volume **II,** section **1119.**

Conduct of unauthorized challengers supplemented by the acts of partisan election officers may contribute to taint a return. Volume **II,** section **1074.**

The Committee on Elections declined to reject or purge a poll because of the bad conduct of United States marshals. Volume **II,** section **395.**

While disregard for statutory revisions does not necessarily justify rejection of the poll, a persistent violation of law coupled with corroborative evidence constitutes circumstances warranting presumption of fraud and rejection of the vote. Volume **VI,** section **139.**

The election for Congressman being lawfully held is not vitiated by another election on a local matter held unlawfully at the same place. Volume **II,** section **1085.**

The premature opening of official ballots and failure to post cards of instruction at the polls do not vitiate an election held properly in other respects. Volume **II,** section **1110.**

The evidence failing to establish as legal an election whence no returns were received, the House declined to take it into account. Volume **II,** section **1043.**

Returns of a precinct not being questioned, failure to carry out the law as to preservation of other election papers does not justify rejection of the returns. Volume **II,** section **1076.**

The destruction of the secrecy of the ballots by crying out the votes as given was deemed a reason for rejection of the poll. Volume **I,** section **831.**

Where the voters of one party left the polls for no just cause the House counted the returns of the election held by the other party. Volume **II,** section **1116.**

A declination of members of one political party to participate at an improvised poll legally conducted does not vitiate the vote cast. Volume **II,** section **1126.**

Although the election in a large part of a county may be vitiated by disregard of law by the county election officers, yet the returns of unassailed precincts in the county should be counted. Volume **II,** section **1124.**

Votes received before the election board was legally organized were rejected. Volume **II,** section **1044.**

Although the law requires ballots to be counted only after close of the voting, a partial count earlier does not necessarily vitiate the poll. Volume **II,** section **1049.**

Irregularities in the conduct of an election do not in themselves justify rejection of a poll. Volume **II,** section **1081.**

Proof of mere irregularities in the administration of the election law does not justify the rejection of the votes. Volume **II,** section **899.**

A case in which the committee considered historic facts in judging validity of an election wherein appeared many irregularities on the part of election officers. Volume **II,** section **338.**

The House did not indorse a proposition to declare a seat vacant because of irregularities on the part of election officers not shown to be corrupt. Volume **I,** section **807.**

The House did not indorse a proposition to declare a seat vacant because of irregularities on the part of election officers not shown to be corrupt. Volume **I,** section **807.**

In the absence of fraud on the part of the voters, whose choice was in doubt, the House overlooked irregularities on the part of the election officers. Volume **I,** section **823.**

No fraud being shown, a poll is not rejected because the ballot box does not contain as many votes as are proven by oath of voters. Volume **II,** section **801.**

An illegal destruction of ballots, but apparently done in good faith, was not held as evidence contributing to a charge of conspiracy. Volume **II,** section **1079.**

ELECTIONS OF REPRESENTATIVES—Continued.

(342) Returns, Rejection of.—For Irregular or Bad Conduct of Officers—Continued.

Rejected ballots being illegally destroyed by election officers who were partisans of contestee and against protest, contestant was held entitled to the advantage of every doubt. Volume **II,** section **850.**

Irregularities in the conduct of an election do not in themselves justify rejection of a poll. Volume **II,** section **1081.**

Discussion as to what constitutes a fatal irregularity in the conduct of election officers. Volume **I,** section **822.**

Failure of an election officer to perform a certain duty does not establish the presumption that he has failed as to other duties. Volume **II,** section **940.**

In the absence of fraud or injustice irregular action by election officers does vitiate the poll. Volume **I,** section **804.**

As to what is a sufficient return of rejected ballots under the Kentucky election law. Volume **II,** section **1120.**

A question as to whether the House should reject votes for irregularities not sufficient to cause their rejection under State law. Volume **I,** section **759.**

The House reversed the rule of its committee that a vote might be rejected from the poll on the testimony of more than one witness that the voter was unknown in the county. Volume **I,** section **55.**

Where a statute fixes a penalty for marking a ballot and does not require its rejection, the ballot should not be rejected. Volume **I,** section **603.**

Where a marking judge refused assistance to voters the House did not reject the returns, but added votes proven aliunde. Volume **II,** section **1109.**

The House rejected ballots marked publicly in presence of the election officers. Volume **II,** section **1088.**

Where a voter offered his tickets in a bundle and lawfully requested that the election officers deposit them in the proper boxes, the House rejected the poll because the election officers declined so to do. Volume **II,** section **1089.**

A sheriff having adjourned an election for a reason not specified as a cause of adjournment, the Elections Committee rejected votes cast after such adjournment. Volume **I,** section **769.**

The House declined to reject a return because of irregularities on the part of election officers and the settlement of discrepancies between the ballots and the poll list by additions. Volume **II,** section **1000.**

The House did not indorse a proposition to declare a seat vacant because of irregularities on the part of election officers not shown to be corrupt. Volume **I,** section **807.**

Although the election in a large part of a county may be vitiated by disregard of law by the county election officers, yet the returns of unassailed precincts in the county should be counted. Volume **II,** section **1124.**

Where the electors comply with the statutes the house should not reject their votes because returning officers have not been equally careful. Volume **I,** section **778.**

The Elections Committee reversed the action of local canvassers who had rejected returns transmitted by an election officer of doubtful appointment. Volume **II,** section **983.**

Temporary absence of election officers from the poll does not invalidate the vote, no harm resulting therefrom. Volume **II,** section **1054.**

Temporary absence of a portion of the election officers for purpose of dining was not considered ground for rejecting the poll. Volume **II,** section **866.**

Temporary absence of the election judges, the voting being left under charge of honest election clerks, did not vitiate the poll. Volume **II,** section **1027.**

ELECTIONS OF REPRESENTATIVES—Continued.

(342) Returns, Rejection of.—For Irregular of Bad Conduct of Officers—Continued.

Although election officers left the ballot box unguarded while adjourned for dinner, the returns were not rejected in the absence of evidence of fraud. Volume **II,** section **912.**

(343) Returns, Rejection of.—For Irregularities in Reception, etc., of Ballots.

Instance of rejection in a precinct return because of violation of an alleged mandatory law requiring ballots to be counted before adjournment of the election. Volume **II,** section **1113.**

Because the officer who assists illiterates to mark their ballots takes a narrow and technical view of his duties under the law does not justify rejection of the poll. Volume **II,** section **1080.**

Serious irregularities by election officers, the rejection of an undue proportion of ballots for imperfect marking, and illegal destruction of rejected ballots vitiated the return. Volume **II,** section **1079.**

Ballots being regularly numbered and counted and the vote entered on the poll book, the returns stood, although the ballots were afterwards destroyed. Volume **II,** section **854.**

Where a law requiring ballots to be numbered, even though directory merely, was totally disregard and the poll books and ballot box disagreed essentially, the returns were rejected. Volume **II,** section **1128.**

Neglect of election officers to place ballots, poll lists, and tally sheets in a fastened box, as required by law, does not, in the absence of fraud, invalidate the return. Volume **II,** section **1076.**

The mutilation of ballots in the return of election officers did not cause rejection of the returns in absence of proof of fraud on part of the officers or the party apparently benefited. Volume **II,** section **1131.**

A slight discrepancy between the poll list and the ballots found does not justify its rejection. Volume **II,** section **1108.**

The returns giving contestant much fewer votes than were proven to have been cast for him the return of the precinct was rejected. Volume **II,** section **1097.**

The fact that votes proven to have been cast, by testimony of the voters, do not appear in the count does not vitiate an election when not numerous enough to affect the result appreciably. Volume **II,** section **1110.**

An election being honestly conducted, the reception of illegal votes does not vitiate the poll. Volume **I,** section **801.**

The State law requiring rejection of the vote in the case of voters assisted in marking ballots without making an affidavit of disability, the House overruled the election officers who counted such ballots. Volume **II,** section **1056.**

The fact that a voter displays his Australian ballot to an election officer, no improper purpose being shown, is not necessary a violation of the law of secrecy. Volume **II,** section **1108.**

The premature opening of official ballots and failure to post cards of instruction at the polls do not vitiate an election held properly in other respects. Volume **II,** section **1110.**

A question as the best rule for elimination of an excess of ballots in the box. Volume **I,** section **537.**

Ballots deposited by error in a ballot box other than the Congressional box and in charge of other officers should be counted as if deposited aright. Volume **II,** section **1085.**

The House declined to overrule the election officers who counted votes of electors assisted in marking without taking the required preliminary oath. Volume **II,** section **1070.**

The destruction of the secrecy of the ballots by crying out the votes as given as deemed a reason for rejection of the poll. Volume **I,** section **831.**

ELECTIONS OF REPRESENTATIVES—Continued.

(343) Returns, Rejection of.—For Irregularities in Reception, etc., of Ballots—Continued.

A voter being qualified as to naturalization, his vote was not rejected because he did not produce his papers at the polls as required by the State constitution. Volume **II,** section **933.**

When the law requires a vote by ballot an election viva voce is not permissible, and is a reason for rejection of the returns. Volume **I,** section **773.**

Although the State constitution required that every vote be given viva voce, the Elections Committee, in a report which failed, evidently for other reasons, to be sustained, decided that the votes of certain mutes might be counted. Volume **I,** section **54.**

Violation of a law that no tickets should be folded or exhibited near the polls did not invalidate the election. Volume **II,** section **930.**

The decisions of elections officers that ballots were fraudulently folded was reviewed and reversed by the House. Volume **I,** section **775.**

No surprise being practiced on the voters, who were free to vote for whom they pleased, alleged irregularities in placing a name under a party emblem do not vitiate the election. Volume **II,** section **1117.**

Instance of rejection of a precinct return because of violation of an alleged mandatory law requiring ballots to be counted before adjournment of the election. Volume **II,** section **1113.**

Although the law requires ballots to be counted only after close of the voting, a partial count earlier does not necessarily vitiate the poll. Volume **II,** section **1049.**

An instance of rejection of a poll where irregularities in both the reception and counting of votes, cumulatively considered, showed a want of good faith and regard for law. Volume **I,** section **560.**

In the absence of any statutory prohibition and no injury being shown to complainant, the numbering of the ballots was held not to invalidate the election. Volume **I,** section **640.**

The premature opening of official ballots and failure to post cards of instruction at the polls do not vitiate an election held properly in other respects. Volume **II,** section **1110.**

(344) Returns, Rejection of.—For Irregularities in Use and Custody of Ballot Boxes.

Where the law requiring the ballot box to be empty at the beginning of the election was disregarded the House rejected the returns. Volume **II,** section **1112.**

The use of several ballot boxes, with alleged object of defeating the purpose of the Federal inspection law, did not cause rejection of the returns. Volume **II,** section **897.**

Where no law requires the use of only one ballot box at a voting precinct the use of two does not justify rejection of the return. Volume **I,** section **681.**

Although election officers left the ballot box unguarded while adjourned for dinner, the returns were not rejected in the absence of evidence of fraud. Volume **II,** section **912.**

A State law providing for custody of ballots was held to be directory and not mandatory. Volume **VI,** section **166.**

Statutes prescribing methods of preservation of ballots are directory merely and it is sufficient if ballots have been so preserved as to furnish satisfactory evidence of the will of the voters. Volume **VI,** section **144.**

Votes found in the wrong ballot box have been counted without proof of mistake, although there was dissent in the committee. Volume **I,** section **537.**

A ballot accidentally placed in the wrong box should be counted. Volume **I,** section **575.**

As to the counting of ballots found in the box for township officers and not in the Congressional box. Volume **II,** section **958.**

Where ballots for different officers are cast in different boxes, the intention of the voter is to be ascertained alone from the box in which the ticket is deposited. Volume **I,** section **779.**

Instance wherein returns were held valid, although there were serious irregularities on the part of the returning officers. Volume **I,** section **828.**

ELECTIONS OF REPRESENTATIVES—Continued.

(344) Returns, Rejection of.—For Irregularities in Use and Custody of Ballot Boxes— Continued.

The illiteracy of election officers having prevented the ascertainment of any substantiated return, the House rejected the poll. Volume **II,** section **1025.**

The returns of a county stating the actual aggregate vote for each candidate were not rejected by the committee for defect in form. Volume **I,** section **617.**

The election (distinguished from the return) was set aside where the best obtainable evidence showed the vote only approximately. Volume **II,** section **914.**

Being satisfied by extrinsic evidence that returns rejected by State canvassers for informalities were correct as to the result, the House counted them. Volume **II,** section **995.**

The voters are not to be disfranchised by any neglect of the officers after the election if the correct vote can be ascertained. Volume **II,** section **1031.**

Votes fairly and honestly given should not be set aside for the omission or error of the returning officer. Volume **I,** section **638.**

Discussion as to duties of returning officers with reference to technical requirement of law. Volume **I,** section **802.**

No law preventing the use of more than one ballot box at a precinct, the use of several did not justify rejection of the poll in the absence of proof of harm therefrom. Volume **II,** section **1096.**

No law preventing the use of more than one ballot box at a precinct, the use of three did not justify rejection of the poll in the absence of proof of harm therefrom. Volume **II,** section **1054.**

A mere technical violation of the law as to custody of the ballot box, no injury being shown to anyone, does not justify rejection of the poll. Volume **I,** section **584.**

(345) Returns, Rejection of.—For Irregularities.—Registration.

Failure to keep the registration books open the required time does not justify rejection of the return if ham is not shown to have resulted. Volume **II,** section **1049.**

Failure of county officers to verify formally a registration list did not invalidate the election, no voter being deprived of any right. Volume **II,** section **1084.**

A canvassing officer may not reject returns which are regular on their face because the registration law may have been violated in the district in question. Volume **II,** section **867.**

The use of an unofficial compilation of a registration list to aid in reference during the voting was held not to vitiate the poll. Volume **II,** section **871.**

Registration being a condition of voting, the House declined to reject a precinct whereof the registration list was not shown to have been returned as required by law. Volume **II,** section **871.**

The mere fact of a slight discrepancy between the returns and the check list does not, in the absence of fraud, invalidate the election. Volume **II,** section **1076.**

The acts of election officers being presumed to be correct, a vote should not be rejected unless it is positively proven that the voter was disqualified as to registration. Volume **II,** section **933.**

As to votes received by election officers but rejected by canvassers because of mere informalities as to registration. Volume **II,** section **1014.**

In a report barely sustained by the House it was held that the making of a registration in disregard of the terms of law justified rejection of the returns. Volume **II,** section **1112.**

Affidavits given by nonregistered voters need not be signed, but the jurat must appear or the votes are rejected. Volume **II,** section **910.**

Where nonregistered voters were required to file affidavits on voting, and these affidavits did not appear on file, the House rejected the votes. Volume **II,** section **1041.**

Does the absence from the returns of certificates prescribed by law vitiate an election of which the result may be known from other legal returns? Volume **II,** section **888.**

ELECTIONS OF REPRESENTATIVES—Continued.

(346) Returns, Rejection of.—For Irregularities.—Poll Lists, Excess of Votes, etc.

An election being held without the required poll list, and there being other suspicious circumstances, the poll was rejected. Volume **I,** section **340.**

Neglect of a mandatory law requiring a voting list to be furnished at a poll was, in connection with questionable acts of partisan election officers, sufficient to justify rejection of the poll. Volume **I,** section **561.**

An election being honestly conducted, the reception of illegal votes does not vitiate the poll. Volume **I,** section **801.**

The fact that votes proven to have been cast by testimony of the voters do not appear in the count does not vitiate an election when not numerous enough to affect the result appreciably. Volume **II,** section **1110.**

The ballots in the box exceeding the names on the poll list and the returns being impeached by the testimony of voters, the poll was rejected. Volume **II,** section **981.**

A small excess of votes in the box over names on the poll list does not justify rejection of a poll, no fraud being shown. Volume **II,** section **878.**

A declination of members of one political party to participate at an improvised poll legally conducted does not vitiate the vote cast. Volume **II,** section **1126.**

Two companies of soldiers having voted together where the law required a separate poll for each, the vote was counted on testimony showing honesty and fairness in the proceedings, the law forbidding rejection for mere informalities. Volume **I,** section **557.**

(347) Returns, Rejection of.—For Irregularities Generally.

According to the precedents of the House of Representatives, official returns may be invalidated only in the event of fraud in conducting the election, or want of authority in the election board or irregularities rendering the result uncertain. Volume **VI,** section **144.**

Failure to comply with a requirement of the election law does not invalidate a vote unless the law so provides. Volume **VI,** section **125.**

A law forbidding the counting of ballots which fail to conform to statutory requirements is mandatory, and such ballots will not be counted. Volume **VI,** section **151.**

Proof of mere irregularities in the administration of the election law does not justify the rejection of the vote. Volume **II,** section **899.**

Irregularities unaccompanied by fraud do not vitiate the return. Volume **II,** section **912.** Volume **VI,** section **96.**

Discussion of the reasons justifying the rejection of an entire poll. Volume **II,** section **881.**

An entire poll is not to be rejected except after the fullest attempt to purge it of illegal votes. Volume **II,** section **904.**

The mere existence of frauds and irregularities does not vitiate an election if not shown to be sufficient to change the result. Volume **II,** section **1118.**

Returns of a precinct not being questioned, failure to carry out the law as to preservation of other election papers does not justify rejection of the returns. Volume **II,** section **1076.**

Returns will not be rejected because returning officers informally make a necessary correction after they have formally made them up. Volume **II,** section **1027.**

A slight technical error in a jurat omitting that which may be made certain should not cause rejection of a poll, even when the law makes rejection the penalty of improper certification of the oath. Volume **I,** section **583.**

The Elections Committee, in a sustained case, declined to reject a poll because of informalities in the poll books and return. Volume **I,** section **770.**

Confidence in the integrity of the poll being destroyed, the returns are rejected. Volume **II,** section **964.**

Irregularities being so great as to prevent a determination of how many bona fide votes were cast, the poll was rejected. Volume **I,** section **838.**

It being impossible to separate the good from the bad vote, the poll was rejected. Volume **II,** section **984.**

ELECTIONS OF REPRESENTATIVES—Continued.

(347) Returns, Rejection of.—For Irregularities Generally—Continued.

Discussion of the extent of irregularities in returns required to justify their rejection. Volume **I,** section **829.**

A return impeached by the evidence of an election officer is rejected as worthless and is not received for any purpose. Volume **II,** section **890.**

A return shown by testimony of the returning officer to have been made up on data rendered insufficient by theft was rejected. Volume **II,** section **892.**

Returns made up from additions of names of voters on the poll books instead of from count of the ballots were rejected, although there was no evidence of error or fraud in the returns. Volume **I,** section **542.**

Poll books not being authenticated by a proper certificate, as required by law, the returns of the precinct were rejected. Volume **I,** section **542.**

A vote not returned within the time required by law and of which the returns were not in the required form was rejected. Volume **I,** section **554.**

An invalid registry, election officers improperly appointed, large and unexplained increase of the returned vote, and inexcusable violations of law justified rejection of the return. Volume **II,** section **861.**

The illiteracy of election officers having prevented the ascertainment of any substantiated return, the House rejected the poll. Volume **II,** section **1025.**

Failure of voters to comply with requirements of State election laws was held by an Election Committee to invalidate votes to cast. Volume **VI,** section **160.**

Complete and reckless disregard for mandatory laws, involving the essentials of a valid election, requires rejection of entire returns of the precincts affected. Volume **VI,** section **159.**

Error in the spelling of names on the poll books does not vitiate the returns. Volume **VI,** section **124.**

Returns made by volunteer officers at "outside polls" of votes cast by persons of unknown qualifications were rejected. Volume **II,** section **894.**

Both the registration and election being permeated with irregularities, fraud, and intimidation, the returns of the precinct affected were rejected. Volume **II,** section **1089.**

In a district where gross frauds prevailed generally, irregularities in the reception and record of the ballots were held to justify rejection of the return. Volume **II,** section **1128.**

A question as to whether the House should reject votes for irregularities not sufficient to cause their rejection under State law. Volume **I,** section **759.**

Because a county was not legally organized, and the election was not held on the legal day, and nonresidents voted, the entire vote of the county was rejected by the committee. Volume **I,** section **616.**

Although the voting place was illegally and fraudulently located, and there was intimidation at the polls as well as fraudulent alteration of the returns, the entire vote was not rejected. Volume **I,** section **542.**

Votes from a county illegally organized, whose election officers were improperly commissioned, and where there was some fraud, were rejected. Volume **I,** section **840.**

A succession of unexplained irregularities on part of intelligent election officers destroys the presumption in favor of the returns. Volume **II,** section **1032.**

An instance of rejection of a poll where irregularities in both the reception and counting of votes, cumulatively considered, showed a want of good faith and regard for law. Volume **I,** section **560.**

An instance of rejection of a poll where irregularities in both the reception and counting votes, emulatively considered, showed a want of good faith and regard for law. Volume **I,** section **560.**

A discrepancy between the votes cast and the returns and evidence of tampering with the ballot box justified rejection of the poll. Volume **II,** section **857.**

A poll unauthorized by law, taken a place different from the legally appointed place, under control of partisan officers, was rejected. Volume **II,** section **924.**

ELECTIONS OF REPRESENTATIVES—Continued.

(347) Returns, Rejection of.—For Irregularities Generally—Continued.

The making of essential tally lists by unsworn volunteers, combined with other irregularities, caused the rejection of return, although no fraud was shown. Volume **II,** section **913.**

Fraudulent election returns are good for proof of no part of the vote, but both parties must resort to proof aliunde. Volume **II,** section **1019.**

A State law providing that an election shall not be defeated for mere irregularities, the House overruled the rejection of returns informal but evidently true. Volume **II,** section **1055.**

Where the electors comply with the statutes the House should not reject their votes because returning officers have not been equally careful. Volume **I,** section **778.**

The House declined to reject for more informality a return which truly represented the aggregate vote cast. Volume **I,** section **832.**

Discussion as to the principles on which a fraudulent return is rejected. Volume **II,** section **881.**

Handling of the ballots by an unauthorized person during the count, no fraud being shown does not vitiate the return. Volume **II,** section **1001.**

Handling of the ballots by an unauthorized person does not invalidate the poll in the absence of evidence showing harm therefrom. Volume **II,** section **1054.**

The voters are not to be disfranchised by any neglect of the officers after the election if the correct vote can be ascertained. Volume **II,** section **1031.**

While State canvassers are justified in requiring returns to be technically perfect, the House in judging final right looks rather to the substance. Volume **II,** section **921.**

Neglect of election officers to place ballots, poll lists, and tally sheets in a fastened box, as required by law, does not, in the absence of fraud, invalidate the return. Volume **II,** section **1076.**

(348) Returns, Rejection of.—Fraudulent Acts of Officers.

The election officers being shown to be unreliable, so that the truth is not deducible from their returns, the returns are rejected. Volume **II,** section **858.**

Fraud having been committed by election officers, no reliance was placed on their returns and they were rejected. Volume **II,** section **902.**

Officers of election being guilty of frauds and forgeries, the returns were rejected. Volume **II,** section **932.**

It being impossible to ascertain the true vote because of fraud on the part of the officers, the returns were rejected. Volume **II,** section **853.**

An election officer being detected in fraudulent acts, a return in due form, signed by him and two unimpeached associates, was not accepted as evidence of the vote cast. Volume **II,** section **914.**

The conduct of the election officers of a parish being thoroughly permeated by fraud, the returns were rejected. Volume **I,** section **340.**

Gross frauds perpetrated in such a way as to show connivance of election officers caused rejection of the returns of all the precincts of a city. Volume **II,** section **920.**

Where election officers receive illegal votes, with a guilty knowledge that they are illegal, the entire poll is rejected. Volume **II,** section **874.**

An election officer having committed a fraudulent act in counting ballots, the return was rejected and only votes proven aliunde were allowed. Volume **II,** section **1008.**

The Elections Committee rejected returns tainted with fraud on the part of an election officer. Volume **II,** section **1017.**

A county official having, with intent to deceive voters, changed the party emblems on the official ballot, the House overruled its committee and rejected the entire returns. Volume **II,** section **1095.**

While conduct of election officers may justify their punishment for misdemenor, it may not justify rejection of the returns made by them. Volume **II,** section **861.**

ELECTIONS OF REPRESENTATIVES—Continued.

(348) Returns, Rejection of.—For Fraudulent Acts of Officers—Continued.

Where returns are falsified by election officers they have no prima facie effect, and the parties may be credited only with such votes as may be proven aliunde. Volume **II,** section **1102.**

The election officers being irregularly chosen and of suspicious conduct, an excess of ballots over the poll list was held to justify rejection of the box. Volume **II,** section **1032.**

The ballots not being counted at the close of the poll and the box being taken away in violation of law by election officers of doubtful honesty, the returns were rejected. Volume **II,** section **1031.**

The judges of an election having joined in partisan and irregular conduct, and testimony showing evidence of extensive fraud, the entire return was rejected. Volume **II,** section **850.**

Where election officers purposely put ballots in the wrong box and then rejected them, and did other illegal acts, the House rejected the poll. Volume **II,** section **1089.**

Where the tally list was kept by an unsworn person not an election officer, and the poll list and testimony as to the tally list showed discrepancies, the return was rejected. Volume **II,** section **1090.**

The House followed a State law in rejecting ballots folded together, but considered evidence tending to show fraud before doing so. Volume **I,** section **776.**

Both the returns and the vote were rejected in a case wherein contestee's proof aliunde gave him a greater vote than was returned by a dishonest election board favorable to him. Volume **II,** section **932.**

An election officer being shown guilty of fraud at one ballot box, no confidence was placed in another to which he had access at the same election. Volume **II,** section **1113.**

The House, in judging the harm done by a fraudulent ballot, took account of the opinions of witnesses. Volume **II,** section **1095.**

Certain votes in a county being evidently cast were counted according to the known opinions of the voters, although there was evidence generally of great frauds. Volume **I,** section **721.**

The conduct of election officers being impeached by a return shown to be false, ballots in their custody are thereby discredited. Volume **II,** section **1050.**

Conduct of unauthorized challengers, supplemented by the acts of partisan election officers, may contribute to taint a return. Volume **II,** section **1074.**

The returns being rendered untrustworthy by action of acting judges chosen in places of judges kept from the polls by intimidation, the poll was rejected. Volume **II,** section **873.**

Votes taken before the legal hour for opening the polls by officers having fraudulent intent are valueless. Volume **II,** section **874.**

It being shown that election officers had flagrantly ignored and violated a mandatory law, the House declined to purge, and rejected the poll. Volume **II,** section **1130.**

Discussion as to the wisdom of attempting to purge a poll whereof both returns and ballots are discredited by fraud of election officers. Volume **II,** section **1062.**

Instance wherein the Committee on Elections purged and did not reject a poll whereof the election officers had withdrawn excess ballots unfairly. Volume **II,** section **982.**

Participation by an election judge in bribery did not justify rejection of the poll when the contaminated votes could be separated. Volume **II,** section **1068.**

The poll being virtually under control of contestee's friends, who acted fraudulently, the committee rejected contestee's vote but apparently not contestant's. Volume **II,** section **1092.**

Although usurpers had acted with the election officers and the ballots were stolen, the committee declined to reject the return on the ground that it would increase the harm to the injured party. Volume **II,** section **1053.**

Instance wherein the House purged and did not reject a poll whereof the election officers had acted unfairly in drawing out of the box excess ballots. Volume **II,** section **981.**

ELECTIONS OF REPRESENTATIVES—Continued.

(349) Returns, Rejection of.—For Conspiracy of Officers to Defraud.

A general conspiracy of registration and election officers to prevent a class of electors from voting was held to justify rejection of returns in a series of precincts. Volume **II,** section **1074.**

A general conspiracy of election officers to violate a merely directory law, combined with fraudulent acts in individual precincts, justified rejection of a series of polls. Volume **II,** section **1072.**

Where a conspiracy to bribe is shown and an indefinite number of tainted votes are cast the entire poll is rejected. Volume **II,** section **1086.**

A general scheme to defraud being shown in all the precincts of a city, the entire return from the city was rejected. Volume **II,** section **1111.**

The returns and ballots of several precincts being tainted by a general conspiracy of election officers, the House rejected the entire returns of those precincts. Volume **II,** section **1062.**

There being a general fraudulent conspiracy of election officers extending over a whole county, the entire county return was rejected, including precincts not specifically attacked by evidence. Volume **II,** section **1097.**

Proof of a conspiracy to defraud may, but does not necessarily, require the returns to be rejected, unless sustained by oral testimony. Volume **II,** section **1030.**

The House is reluctant, on allegations of general conspiracy of election officers, to reject unimpeached returns because other returns are shown to be fraudulent. Volume **II,** section **973.**

As to what constitutes a general conspiracy justifying a rejection of the returns of a large part of a district. Volume **II,** section **1007.**

When by a conspiracy of officials ignorant election officers were installed and then their imperfect returns rejected, contestant was permitted to prove the vote aliunde by oral evidence of inspectors, etc. Volume **II,** section **965.**

Although illiterate election officers seemed to have been appointed purposely, yet the House was reluctant to reject their returns when the safeguard of Federal inspectors had existed. Volume **II,** section **973.**

Although there may be evidence establishing a conspiracy to defraud, it is still necessary to show effects in order to change the result. Volume **II,** section **1025.**

(350) Returns, Rejection of.—For Fraud With Unfairness in Constitution of Board of Officers.

Failure to give one party lawful representation among election officers, accompanied by proof of fraud, justifies rejection of the returns. Volume **II,** section **1116.**

Although the State law declares that no election shall be invalid by failure to have party representation on boards of election officers, the House will reject the returns where fraud accompanies the irregularity. Volume **II,** section **1099.**

(351) Returns, Rejection of.—As to Officers.—Board Not Properly Constituted.

As to effect on the return of participation by an illegally appointed election officer. Volume **II,** section **1112.**

There being doubt as to the regularity of the appointment of an election judge, the committee rejected the votes cast while he officiated, but the House reversed the ruling. Volume **II,** section **55.**

An election officer who was removed but not notified of the fact, and whose successor failed to qualify, was a de facto officer, and returns signed by him were not properly rejected. Volume **II,** section **603.**

Although de facto officers presided and returns were transmitted unsealed by an unauthorized person, the House did not reject the return. Volume **II,** section **912.**

Votes received before the election board was legally organized were rejected. Volume **II,** section **1044.**

ELECTIONS OF REPRESENTATIVES—Continued.

(351) Returns, Rejection of.—As to Officers.—Board Not Properly Constituted—Con.

The mere delay in the appointment of election officers does not vitiate an election held by them. Volume **II,** section **1110.**

Failure to transmit to a county clerk certificate of the choice of an election officer is not a reason for rejecting the poll. Volume **I,** section **800.**

The charge that an election officer was not legally chosen not being fully established, the committee declined to reject the poll. Volume **I,** section **800.**

No fraud or injury being shown, the proper acts of an unqualified or unauthorized election officer do not vitiate the poll. Volume **I,** section **811.**

(352) Returns, Rejection of.—For Fraudulent Registration.

Where the registration on which the vote depended was fraudulent, the House rejected the entire return. Volume **II,** section **883.**

The House overruling the committee declined to count the vote of a county wherein by fraudulent registration many disqualified persons had been put on the voting lists. Volume **II,** section **873.**

Both the registration and election being permeated with irregularities, fraud, and intimidation, the returns of the precinct affected were rejected. Volume **II,** section **1089.**

(353) Returns, Rejection of.—For Fraud Generally.

Discussion as to the principles on which a fraudulent return is rejected. Volume **II,** section **881.**

Charges of fraud in the voting of persons under the legal age, of persons who had not registered as required by law, of fictitious persons, of persons who were not citizens, of persons who were fighting overseas or had died, of persons disqualified on account of nonpayment of taxes, having been sustained, such votes were rejected and were deducted from the total vote of the candidates for whom cast. Volume **VI,** section **75.**

The returns of a county being wholly unreliable, and the conduct of the election unfair, the returns were rejected. Volume **I,** section **721.**

Where an election return is so tainted with fraud that the truth can not be deduced therefrom, the same must be set aside. Volume **II,** section **860.**

Returns being tainted by obvious fraud, and the custodian of the ballots having refused to show them, the returns were held valueless and rejected. Volume **II,** section **873.**

An election being held without the required poll list, and there being other suspicious circumstances, the poll was rejected. Volume **I,** section **340.**

Neglect of a mandatory law requiring a voting list to be furnished at a poll was, in connection with questionable acts of partisan election officers, sufficient to justify rejection of the poll. Volume **I,** section **561.**

An instance of rejection of a poll where irregularities in both the reception and counting of votes, cumulatively considered, showed a want of good faith and regard for law. Volume **I,** section **560.**

Fraud, shown by oral testimony as to a stolen poll book, and inferred from acts of violence, was held to justify the rejection of a greater part of the returned votes. Volume **I,** section **840.**

A discrepancy between the votes cast and the returns, and evidence of tampering with the ballot box, justified rejection of the poll. Volume **II,** section **857.**

It being impossible to determine from the evidence what votes had been returned in the few honest precincts of a county, the entire county returns were rejected. Volume **II,** section **968.**

The ballots in the box exceeding the names on the poll list, and the returns being impeached by the testimony of voters, the poll was rejected. Volume **II,** section **981.**

In a district where gross frauds prevailed generally, irregularities in the reception and record of the ballots were held to justify rejection of the return. Volume **II,** section **1128.**

ELECTIONS OF REPRESENTATIVES—Continued.

(353) Returns, Rejection of.—For Fraud Generally—Continued.

The poll list containing the names of dead and absent persons, and the returns not showing votes presumed to have been cast, the returns were rejected. Volume **II,** section **1093.**

There being evidence raising a suspicion of fraud, the House rejected a return made in disregard of the requirements of law and by the hands of unauthorized persons. Volume **II,** section **916.**

Contestant having been prevented from proving his vote aliunde by intimidation, the House did not reject fraudulent returns made by partisans of contestee and giving contestant a plurality. Volume **II,** section **1023.**

The House will not set aside the official returns except upon positive proof that the official count was incorrect. Volume **VI,** section **115.**

Only upon proof of conditions under which the law has expressly declared ballots to be void have the courts sanctioned their rejection. Volume **VI,** section **81.**

While disregard for statutory revisions does not necessarily justify rejection of the poll, a persistent violation of law coupled with corroborative evidence constitutes circumstances warranting presumption of fraud and rejection of the vote. Volume **VI,** section **139.**

The House, overruling its committee, declined to reject the vote of precincts relative to which charges of fraud were not considered to have been substantiated. Volume **VI,** section **160.**

The appearance of names in alphabetical order on the poll books was held not sufficient to justify rejection of the poll in the absence of other evidence of fraud. Volume **VI,** section **123.**

Evidence that persons whose names appeared on the poll books were no longer employed in the locality and presumably had left before election day was deemed inconclusive proof of illegal voting. Volume **VI,** section **123.**

Where it was impossible to ascertain which votes in a precinct were properly cast and counted the entire vote of the precinct was rejected. Volume **VI,** section **80.**

Certain votes in a county being evidently cast, were counted according to the known opinions of the voters, although there was evidence generally of great frauds. Volume **I,** section **721.**

The ballots not being counted at the close of the poll and the box being taken away in violation of law by election officers of doubtful honesty, the returns were rejected. Volume **II,** section **1031.**

The returns being destroyed by a tampering with the ballots after the count, contestant was permitted to prove his vote aliunde by testimony of persons who saw the votes cast and tallied, or estimated it. Volume **II,** section **1008.**

General testimony that voters were deceived by false tickets, etc., does not, in the absence of specific proof, justify the rejection of a poll. Volume **II,** section **887.**

A ballot complicated and unfair, but not shown to be issued in pursuance of any conspiracy, was not considered as a reason for discarding the return. Volume **I,** section **737.**

The House declined to consider false publications, neither party being shown to be concerned therein, and no deception of voters being shown, as a reason for changing an election return. Volume **II,** section **1129.**

The circulation of fraudulent posters among the voters does not, in the absence of proof of effect or of complicity of the opposing party, justify rejection of the poll. Volume **II,** section **938.**

(354) Returns, Rejection of.—Effect of Bribed Votes.

Bribed votes being given but their separation being impossible, the whole poll was rejected. Volume **II,** section **923.**

Contributions to party campaign committees held not to constitute bribery. Volume **VI,** section **84.**

Introduction under agreement with a civic organization of pension bill prior to election held not to constitute proof of bribery. Volume **VI,** section **81.**

ELECTIONS OF REPRESENTATIVES—Continued.

(354) Returns, Rejection of.—Effect of Bribed Votes—Continued.

Instance wherein an entire precinct return was rejected because a few votes were proven to have been bribed. Volume **II,** section **1113.**

An early decision that corruption in a small fraction of the votes should not vitiate an election. Volume **I,** section **759.**

Bribery being proven, the House deducted the tainted votes but did not reject the poll. Volume **II,** section **1055.**

The entire vote of a precinct should not be rejected simply because certain votes are shown to be corrupt by reason of bribery. Volume **II,** section **1125.**

The proof of one corrupted vote going into a ballot box does not invalidate the whole. Volume **II,** section **973.**

There being direct testimony of voters that they were bribed to vote against their convictions for returned Member, this fact contributed to overcome the returned majority. Volume **II,** section **1004.**

Should participation of returned Member in bribery unseat him, although the bribed votes be not enough to change the result? Volume **II,** section **946.**

Discussion of the effect of the participation of the candidate himself in bribery and its relation to the amount and the proven effect. Volume **II,** section **1279.**

There being no suggestion that sitting Member was implicated in alleged bribery and the amount alleged not being decisive, the House did not give weight to the charge. Volume **II,** section **971.**

The entire poll may not be rejected because an unascertained number of electors were corruptly influenced by tickets to a barbecue. Volume **II,** section **1085.**

The existence of a corruption fund and the use of it, even by county officers, does not vitiate an election beyond the actual votes shown to be affected. Volume **II,** section **1027.**

Circulation of a general circular proposing bribery but of which contestee was not cognizant, did not vitiate an election although accompanied by acts of bribery. Volume **II,** section **1114.**

The entire vote of a precinct should not be rejected simply because certain votes are shown to be corrupt by reason of bribery. Volume **II,** section **1125.**

The House requires very plain evidence to presume such an interweaving of bribery in the votes as to justify rejection of the poll. Volume **II,** section **1005.**

Where a conspiracy to bribe is shown, and an indefinite number of tainted votes are cast, the entire poll is rejected. Volume **II,** section **1086.**

The Elections Committee leaned to the view that a promise of general distribution of food to voters was a corrupting influence justifying purging of the poll. Volume **II,** section **907.**

(355) Returns, Rejection of.—For Irregularities.—Errors of Returning Officers.

Irregularities unaccompanied by fraud do not vitiate the return. Volume **II,** section **912.**

The House counted returns rejected by State canvassers for mere informalities. Volume **II,** section **1032.**

The House declined to reject for mere informality a return which truly represented the aggregate vote cast. Volume **I,** section **832.**

Discussion of the extent of irregularities in returns required to justify their rejection. Volume **I,** section **829.**

The vote is not vitiated by failure to observe a directory law as to method of tabulation of returns. Volume **II,** section **915.**

Returns will not be rejected because returning officers informally make a necessary correction after they have formally made them up. Volume **II,** section **1027.**

The fact that a return has been accepted and acted on by State authorities does not cure its inherent defects. Volume **II,** section **892.**

Canvassing officers having judicial power may not reject the poll book as a return for the reason that theft of the ballots has prevented its verification. Volume **II,** section **1058.**

ELECTIONS OF REPRESENTATIVES—Continued.

(355) Returns, Rejection of.—For Irregularities.—Errors of Returning Officers—Con.

Where the State law gives canvassing officers the authority to correct irregularities they may not reject returns for lack of clearness. Volume **II,** section **1058.**

(356) Returns, Rejection of.—For Irregularities.—Failure of Returning Officers to Sign.

Returns not signed or certified to by the election officers are not admissible. Volume **II,** section **1008.**

A return not signed by the election officers as required by law is properly rejected. Volume **II,** section **1055.**

The returns from an election precinct not being certified in any manner whatever, they were rejected by the House. Volume **II,** section **880.**

A return not certified by any of the officers of election was rejected, although on report of a divided committee. Volume **I,** section **538.**

Returns not being signed by the election officers and not being sustained by evidence, they were rejected. Volume **II,** section **1032.**

County returns informally signed and the accuracy of which was impeached by evidence were rejected by the House. Volume **II,** section **1053.**

The House, being of opinion that votes were cast as returned, declined to reject the return because not signed by the election judge as required by law. Volume **II,** section **847.**

A return should not be rejected because the signatures of the election judges, by their direction and in their presence, were made by the clerk. Volume **II,** section **1108.**

Failure of election officers to subscribe their names in full to their affidavits and returns does not vitiate the returns. Volume **II,** section **1085.**

When irregularity of a jurat works rejection of a poll unless canvassing officers are satisfied that the oath was taken, the counting of the poll is conclusive offset to a faulty jurat. Volume **I,** section **583.**

A slight technical error in a jurat, omitting that which may be made certain, should not cause rejection of a poll, even when the law makes rejection the penalty of improper certification of the oath. Volume **I,** section **583.**

Poll books not being authenticated by a proper certificate, as required by law, the returns of the precinct were rejected. Volume **I,** section **542.**

(357) Returns, Rejection of.—For Irregularities.—Delays, Discrepancies, etc.

An election return required by law to be made on or before a certain day should be counted if presented after that day, provided it be otherwise correct. Volume **I,** section **554.**

An election is not vitiated by failure to observe a directory law that the ballots shall be returned within a given time. Volume **I,** section **781.**

The mutilation of ballots in the return of election officers did not cause rejection of the returns in absence of proof of fraud on part of the officers or the party apparently benefited. Volume **II,** section **1131.**

The returns of a county stating the actual aggregate vote for each candidate were not rejected by the committee for defect in form. Volume **I,** section **617.**

Neglect of election officers to place ballots, poll lists, and tally sheets in a fastened box, as required by law, does not, in the absence of fraud, invalidate the return. Volume **II,** section **1076.**

The House revised the action of certain canvassers who had rejected polls for want of an abstract of votes. Volume **II,** section **851.**

Precinct returns being impeached only by the fact of suspicious custody, they were counted in spite of gross irregularities in the consolidated returns therefrom. Volume **II,** section **897.**

Returns in themselves suspicious, transmitted irregularly, and opened by an unauthorized person were rejected. Volume **I,** section **840.**

A return made up irregularly from ballots that had not been properly kept was rejected. Volume **II,** section **910.**

ELECTIONS OF REPRESENTATIVES—Continued.

(357) Returns, Rejection of.—For Irregularities.—Delays, Discrepancies, etc—Continued.

A slight discrepancy between the poll list and the ballots found does not justify its rejection. Volume **II,** section **1108.**

The election officers being irregularly chosen and of suspicious conduct, an excess of ballots over the poll list was held to justify rejection of the box. Volume **II,** section **1032.**

Discussion as to whether a poll should be purged or rejected when the returns give the total of votes far beyond the number of voters attending. Volume **II,** section **1065.**

The House declined to reject returns, although it was shown that some votes (not enough to change the result) actually cast were not included. Volume **I,** section **832.**

Failure of election officers to include in their returns votes for a certain office, as required by law, when said votes have been counted and tallied, does not justify rejection of the poll. Volume **I,** section **583.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

The returns of a precinct being shown to have been fraudulently altered, the House corrected the return by the count as made at the polls. Volume **I,** section **542.**

The election (distinguished from the return) was set aside when the best obtainable evidence showed the vote only approximately. Volume **II,** section **914.**

An invalid registry, election officers improperly appointed, large and unexplained increase of the returned vote, and inexcusable violations of law justified rejection of the return. Volume **II,** section **861.**

The election for Congressman being lawfully held is not vitiated by another election on a local matter held unlawfully at the same place. Volume **II,** section **1085.**

The mere existence of frauds and irregularities does not vitiate an election if not shown to be sufficient to change the result. Volume **II,** section **1118.**

(358) Returns, Rejection of.—False Publications Not a Reason for.

The circulation of fraudulent posters among the voters does not, in the absence of proof of effect or of complicity of the opposing party, justify rejection at the poll. Volume **II,** section **938.**

The House declined to consider false publications, neither party being shown to be concerned therein and no deception of voters being shown, as a reason for changing an election return. Volume **II,** section **1129.**

Voters being deceived in casting a ballot not intended by them, the House corrected the error. Volume **II,** section **999.**

The House declined to count as cast the vote of a person kept from the polls by a bogus telegram sent by persons unknown. Volume **II,** section **1069.**

(359) Returns, Rejection of.—Degree and Kind of Intimidation Justifying.

Discussion as to the degree of intimidation which will justify the rejection of an entire poll. Volume **II,** section **982.**

Discussion of the extent and degree of intimidation and fraud justifying rejection rather than purging of the poll. Volume **I,** section **338.**

Discussion of the extent of intimidation sufficient to invalidate an election and justify declaring the seat vacant. Volume **I,** section **325.**

In a case not sustained by the House a question of the degree of intimidation sufficient to justify rejection of the poll was discussed. Volume **I,** section **324.**

Discussion of the degree of duress which may be considered intimidation justifying rejection of a poll. Volume **I,** section **340.**

Intimidation justifying rejection of a poll may fall short of physical violence against a person and need not fall within the actual time of the election. Volume **I,** section **340.**

Discussion of social business and religious influences as form of intimidation in elections. Volume **II,** section **925.**

Influence of a highway superintendent over his employees at the polls was held to be intimidation. Volume **II,** section **1004.**

ELECTIONS OF REPRESENTATIVES—Continued.

(359) Returns, Rejection of.—Degree and Kind of Intimidation Justifying—Continued.

The Elections Committee declined to consider intimidation at a poll unless it seemed to have destroyed the fairness of the whole proceedings. Volume **I,** section **777.**

In 1868 the House declined to pass on the title to a seat of William H. Hooper, Delegate from Utah, who was alleged to have been elected by undue influence of an alleged disloyal organization. Volume **I,** section **467.**

Rude conduct on the part of election officers does not necessarily constitute intimidation sufficient to vitiate the poll. Volume **II,** section **878.**

Threatening notices posted before an election, and not resulting in deterring voters from going to the polls, do not justify rejection of the polls. Volume **II,** section **880.**

Should participation of returned Member in a scheme of intimidation relating to the election cause the seat to be vacated? Volume **II,** section **1039.**

The House has decided that widespread and organized intimidation might invalidate the polls, although the disorder ceased before the actual day of election, when the polls were quiet. Volume **I,** section **331.**

Although a parish in a region wherein intimidation might be expected showed a marvelous unanimity in the vote, the committee declined to reject the poll. Volume **I,** section **340.**

Although the voting place was illegally and fraudulently located and there was intimidation at the polls, as well as fraudulent alteration of the returns, the entire vote was not rejected. Volume **I,** section **542.**

An election having been peaceable in three-fourths of a district, it was not declared invalid because of violence and intimidation in the remainder. Volume **I,** section **341.**

A Territorial legislature being chosen under duress of armed invaders, the House unseated the Delegate chosen under a law passed by that legislature. Volume **I,** section **826.**

It being shown that election officers had flagrantly ignored and violated mandatory law, the House declined to purge and rejected the poll. Volume **II,** section **1130.**

Although the election in a large part of a country may be vitiated by disregard of law by the county election officers, yet the returns of unassailed precincts in the county should be counted. Volume **II,** section **1124.**

Ballots printed in unusual style, confusing to the voter, may contribute to destroy confidence in the officers responsible therefor. Volume **II,** section **1072.**

The House favored purging rather than rejecting the return of an entire county wherein a partisan county election board had so printed the ballot as to confuse voters. Volume **II,** section **1080.**

Where electors were intimidated by local officers the House counted votes thus prevented on testimony establishing a "strong probability" as to the number. Volume **II,** section **1093.**

The House may count votes not cast because of intimidation practiced in presence of election officers and which it was their duty to prevent. Volume **I,** section **562.**

Where electors were present, ready to vote, and were prevented by dilatory acts of election officers, the House counted the votes as if cast. Volume **II,** section **1103.**

The House counted as if cast the votes of electors who, after using due diligence, were prevented from voting by the delays of election officers. Volume **II,** section **1098.**

To count votes tendered, but not cast, it is necessary to establish obstruction by election officers and due diligence on the part of the elector. Volume **II,** section **1079.**

An ascertained number of voters being intimidated by roughs, the House corrected but did not reject the poll. Volume **II,** section **1028.**

The rejection of an entire poll for intimidation on behalf of contestant may add to the injury if the return gave contestee a majority. Volume **II,** section **891.**

(360) Returns, Rejection of.—Intimidation Must Be Shown to Have Been Effective.

Proof of efforts to intimidate, unsustained by proof that it was effective, does not justify rejection of a return. Volume **II,** section **1000.**

ELECTIONS OF REPRESENTATIVES—Continued.

(360) Returns, Rejection of.—Intimidation Must Be Shown to Have Been Effective—Con.

Although violence, intimidation, and fraud were extensive in a district, yet as it did not appear that the result was affected by these means, the returned Member was confirmed. Volume **II,** section **1082.**

Discussion as to whether or not undue influence must be shown to have affected the result materially to justify rejection of the returns. Volume **II,** section **925.**

Disturbance at the polls does not, in the absence of specific evidence as to the effect of intimidation, justify rejection of the poll. Volume **II,** section **891.**

Charges of riot and intimidation being to some extent substantiated, yet the committee believed that in case of doubt the returns should stand. Volume **I,** section **838.**

Isolated cases of violence or intimidation do not justify a rejection of the poll. Volume **II,** section **906.**

The House declined, on proof of intimidation at 8 precincts out of 150, to find general intimidation sufficient to render invalid an election. Volume **I,** section **377.**

The House overruling its committee, held void an election in a county because of the intimidating influence of a preponderating disloyal element. Volume **II,** section **868.**

Because of a general condition of intimidation practiced by the dominant fraction in a precinct the return was rejected. Volume **II,** section **1015.**

Instance of returns of an election made by military officers under authority of reconstruction acts. Volume **I,** section **326.**

The House declined to recognize an informal election participated in by a mere fraction of the voters in a district entirely under military domination. Volume **I,** section **376.**

The House seated a person elected according to the essential requirements of law, except that the time of the election was fixed by proclamation of a military governor. Volume **I,** section **379.**

(361) Returns, Rejection of.—Intimidating Influence of Soldiers.

A Federal law provides a penalty against armed interference of Federal troops at an election. Volume **I,** section **513.**

The mere presence of United States soldiers in the neighborhood of the polls, unaccompanied by disorderly or threatening conduct, does not vitiate the poll. Volume **II,** section **906.**

The House, overruling its committee, declined to invalidate a close election because of an interference not shown definitely to have been effective by a body of United States troops. Volume **I,** section **760.**

Discussion as to whether the distribution of United States soldiers in the neighborhood of the polls justified rejections of returns for intimidation. Volume **II,** section **925.**

Discussion as to whether or not the mere presence of United States troops near the polls constituted undue influence justifying rejection of the return. Volume **II,** section **926.**

The House, overruling its committee, declined to declare invalid an election because of intimidation in certain counties by State troops on duty by order of the governor. Volume **I,** section **377.**

A penalty is provided against interference by military or naval force in the exercise of the right of suffrage and conduct of elections. Volume **I,** section **514.**

(362) Returns, Rejection of.—Voters Driven From the Polls by Armed Force.

Periodical firing of a cannon at a polling place during an election was held to be intimidation justifying rejection of the poll. Volume **II,** section **974.**

The driving of voters from the polls by armed force in the majority of the precincts of a county caused the rejection of the returns of the entire county. Volume **II,** section **968.**

The presence of armed and threatening persons at the polls, some personating officers of the law, was held to constitute intimidation justifying revision of the returns. Volume **I,** section **580.**

A small number of voters being driven from the polls by intimidation, the House counted their votes but declined to reject the whole poll. Volume **II,** section **976.**

ELECTIONS OF REPRESENTATIVES—Continued.

(362) Returns, Rejections of.—Voters Driven From the Polls by Armed Force—Continued.

Although excitement and alarm prevailed in a county, with the presence of an armed force in the neighborhood of the polls, the committee did not recommend the rejection or correction of the vote. Volume **I,** section **604.**

The presence of armed and threatening persons at the polls, some personating officers of the law, was held to constitute intimidation justifying revision of the returns. Volume **I,** section **580.**

The House declined to reject the poll for riot which did not interrupt the election or prevent an ascertainment of result. Volume **II,** section **845.**

The illiteracy of election officers having prevented the ascertainment of any substantiated return, the House rejected the poll. Volume **II,** section **1025.**

Although a parish in a region wherein intimidation might be expected showed a marvelous unanimity in the vote, the committee declined to reject the poll. Volume **I,** section **340.**

Discussion of the degree of intimidation justifying the House in counting votes of persons prevented from reaching the ballot box. Volume **I,** section **580.**

(363) Returns, Rejection of.—Effect of Riot, Violence, and Disorder.

Only one legally appointed election officer presiding and the voting being interrupted by disorder the poll was rejected. Volume **II,** section **1015.**

Riots at the polls, even involving election officers, were not given weight except where contributing to impeach the integrity of unsworn election officers. Volume **I,** section **843.**

Disturbance at the polls incident to the removal of a contestant for the office of election judge does not vitiate the poll. Volume **II,** section **874.**

Fighting at the poll, no injury resulting in the vote of either party, does not justify rejection of the poll. Volume **II,** section **1028.**

Election officers being robbed of the ballot boxes and returns by unknown masked men, the general result was not affected therefor. Volume **II,** section **937.**

Disorder before the opening of the polls and for the purpose of affecting the choice of election officers and not affecting the poll itself was disregarding by the House. Volume **II,** section **1068.**

(364) Returns, Rejection of.—Duress Unaccompanied by Physical Violence.

Threat of an overseer to discharge employees must be supplemented by testimony of employees thus intimidated, if the House is to correct or reject the return. Volume **II,** section **1054.**

Indefinite and uncertain intimidation by employers of labor does not justify rejection of a poll. Volume **II,** section **1028.**

The arrest of a witness for contestant on charge of perjury in testifying as to a precinct of a city does not justify, on the plea of intimidation, the rejection of the entire vote of the city. Volume **II,** section **1112.**

The House expressed the opinion that the storing of guns adjacent to the polls and the presence of disorderly persons who might naturally use them constituted effective intimidation. Volume **II,** section **982.**

(365) Returns, Rejection of.—Intimidation of Officers.

The Elections Committee held that wherever a United States inspector was prevented from performing his legal duties at the poll the return should be rejected. Volume **II,** section **1039.**

Although evidence showed that some votes were affected by intimidating acts of a policeman, the House declined to reject the precinct returns. Volume **II,** section **1053.**

Abandonment of the polls by intimidated judges was not of itself considered sufficient to invalidate the poll. Volume **II,** section **937.**

ELECTIONS OF REPRESENTATIVES—Continued.

(365) Returns, Rejection of.—Intimidation of Officers—Continued.

Handling of the ballots by an unauthorized person does not invalidate the poll in the absence of evidence showing harm therefrom. Volume **II,** section **1054.**

Election officers being sworn by an unauthorized sheriff, who was an officious intruder, the poll was rejected. Volume **II,** section **954.**

Participation of a United States marshal in the duties of election officers, no harm being shown, did not justify rejection of the return. Volume **II,** section **1058.**

Election officers fraudulently chosen and acting illegally were held to be intruders and not de facto officers. Volume **II,** section **902.**

Was an official acting without authority of law on a canvassing board an intruder or a de facto officer? Volume **II,** section **948.**

To justify the rejection of a poll for intimidation the evidence should be specific, not general. Volume **II,** section **891.**

Periodical firing of a cannon at a polling place during an election was held to be intimidation justifying rejection of the poll. Volume **II,** section **974.**

(366) Returns, Rejection of.—Intimidating Acts by Officers.

The returns being rendered untrustworthy by action of acting judges chosen in places of judges kept from the polls by intimidation, the poll was rejected. Volume **II,** section **873.**

Instance of the rejection of a poll for intimidation participated in by an election officer and general disorder. Volume **II,** section **981.**

Does a numbering of the ballots by election officers who know it to be illegal justify rejection of the poll for intimidation? Volume **II,** section **947.**

The House sustained an election generally participated in by the voters, although the district was under martial law and the military power enforced the State requirements as to qualifications of voters. Volume **I,** section **378.**

Unfair representation on the election board of a precinct and disorder at the polls were held not to justify rejection of the return of the precinct. Volume **I,** section **721.**

The Committee on Elections declined to reject or purge a poll because of the bad conduct of United States marshals. Volume **II,** section **935.**

Although the voting place was illegally and fraudulently located and there was intimidation at the polls, as well as fraudulent alteration of the returns, the entire vote was not rejected. Volume **I,** section **542.**

(367) Returns, Rejection of.—Proportion Invalidated by Intimidation.

The House concluded that when two-thirds of the returned vote of a district had been rejected for intimidation the remainder did not constitute a valid constituency. Volume **I,** section **333.**

The House declared vacant a seat in a case wherein over one-half of the total vote of a district had been rejected for intimidation. Volume **I,** section **334.**

Intimidation and fraud having destroyed the integrity of an election in 10 of 15 parishes, the House declared the seat vacant. Volume **I,** section **338.**

An election having been peaceable in three-fourths of a district, it was not declared invalid because of violence and intimidation in the remainder. Volume **I,** section **341.**

The House adjudged valid for prima facie title an election wherein parishes casting 14,346 out of 27,055 votes in the district were rejected. Volume **I,** section **328.**

The House has assigned final right to a seat from a district wherein 14,346 out of 27,055 returned votes were rejected because of intimidation. Volume **I,** section **332.**

The House considered an election valid, although in 5 of 10 parishes the vote, which was less than half the vote of the district, was rejected. Volume **I,** section **335.**

Returns of 5 of 12 parishes being rejected for intimidation, the House seated a contestant on the vote of the 7 peaceful parishes. Volume **I,** section **336.**

ELECTIONS OF REPRESENTATIVES—Continued

(368) Returns, Rejection of.—Proportion Invalidated Generally.

Where fraud so permeated a large part of the district as to prevent a full, free, and fair expression of the voter's will the seat was declared vacant. Volume **II,** section **1123.**

The House declined to seat a contestant on the claim that after rejecting the greater part of a district he had a majority of the remainder. Volume **II,** section **1007.**

An election being found invalid in 3 out of 5 counties in the district, the House declared the seat vacant, declining to seat the contestant. Volume **I,** section **321.**

An election invalid in 11 out of 12 counties, leaving only **737** valid votes out of 8,941, should cause the seat to be declared vacant. Volume **I,** section **323.**

In a report not approved by the House the Elections Committee recommended that a seat be vacated because of intimidation in five-sixths of the district. Volume **I,** section **324.**

The House declined to admit a claimant on the vote of 3 out of 7 parishes, 19,078 out of 27,019 votes having been rejected. Volume **I,** section **327.**

The invalidity of an election in 1 county out of 3 did not justify declaring the seat vacant, Volume **I,** section **320.**

The returns of 41 out of 116 election precincts being rejected, the contestant was seated on his plurality in the remaining precincts, which cast over half the returned vote. Volume **II,** section **1128.**

The House refused to seat a claimant chosen by a mere fraction of the people at an election formally called and held in a district under duress of armed enemies. Volume **I,** section **363.**

An instance wherein the House recognized an election legal in form but participated in by a small fraction of the voters, the district being disturbed by civil war. Volume **I,** section **364.**

An election in a district was not declared void on account of invalidity in one-fifth of the parishes, affecting less than a third of the vote. Volume **I,** section **340.**

(369) Returns, Rejection of.—For Disregard of Reconstruction Laws.

Affirmation of the conclusion that the House would not invalidate an election because a State had disregarded reconstruction legislation as to qualifications of voters. Volume **II,** section **1135.**

The House declined to invalidate an election because a State constitution had established qualifications of voters in disregard of reconstruction legislation. Volume **II,** section **1134.**

(370) Returns, Rejection of.—Evidence Justifying.—Testimony of the Voters.

Official returns may be impeached successfully by testimony of voters as to how they cast their ballots. Volume **II,** section **1094.**

The honesty of election officers being impeached, the testimony of the voters as to their own votes was admitted to destroy the return and prove the vote aliunde. Volume **II,** section **980.**

Where the law provided for identification of the ballot cast by a voter, and where 62 voters examined ballots credited to them and disowned them, the returns were rejected for fraud. Volume **II,** section **1019.**

Where election officers returned 12 votes for contestant and 17 electors swore they voted for him the House rejected the entire return. Volume **II,** section **1111.**

Certificates of voters stating how they had voted and given at the time of voting to a person who sustained them by testimony were admitted as evidence against the return. Volume **II,** section **1103.**

The ballots in the box exceeding the names on the poll list and the returns being impeached by the testimony of voters, the poll was rejected. Volume **II,** section **981.**

There being evidence of a conspiracy of election officers to defraud, the returns were satisfactorily impeached by evidence falling short of the best evidence, i.e., the testimony of the voters themselves. Volume **II,** section **1030.**

ELECTIONS OF REPRESENTATIVES—Continued.

(370) Returns, Rejection of.—Evidence Justifying—Testimony of the Voters—Continued.

Official returns may be impeached successfully by testimony of voters as to how they cast their ballots. Volume **II,** section **1094.**

An election board being unfairly constituted, the returns were successfully impeached by the testimony of individual votes as to their ballots and qualifications. Volume **II,** section **1033.**

(371) Returns, Rejection of.—Evidence Justifying.—Secondary.

Evidence of declarations of votes when they took their tickets and went to the box availed to discredit returns of election officers of doubtful honesty. Volume **II,** section **1030.**

Instance wherein returns were impeached on evidence of a person who saw and listed the ballot of each voter as he deposited it. Volume **II,** section **1033.**

Discussion as to sufficiency of tally lists kept by watchers at the polls to impeach the returns of the officers. Volume **II,** section **1104.**

The House did not permit the returns of election officers to be impeached by testimony of partisan workers who tallied the ballots cast. Volume **II,** section **1043.**

The House declined to impeach a return on the testimony of a witness who distributed tickets and testified that he saw them voted in numbers greater than the returns credited. Volume **II,** section **1007.**

General testimony that voters were deceived by false tickets, etc, does not, in the absence of specific proof, justify the rejection of a poll. Volume **II,** section **887.**

The House on the testimony of one witness assumed that county canvassers had improperly included an uncertified return. Volume **II,** section **981.**

The House rejected a return of State election officers on the evidence of the returns of United States supervisor of elections. Volume **I,** section **736.**

Oral testimony impeaching a return already counted by return judges was held not sufficient to cause rejection of the vote, actual return not being identified and offered. Volume **II,** section **558.**

The House deducted on account of an uncertified precinct return, although only the parol evidence of a single witness showed that it was included in county canvass. Volume **II,** section **981.**

Friends of contestant having been exclude from the count and contestee's agents having prevented the best testimony, the House excluded the return on secondary evidence. Volume **II,** section **1033.**

(372) Returns, Rejection of.—In General.

Discussion as to what is the best evidence when objection is made to the action of county canvassers in rejecting precinct returns. Volume **II,** section **1057.**

In a report barely sustained by House it was held that the making of a registration in disregard of the terms of law justified rejection of the returns. Volume **II,** section **1112.**

A discrepancy between the votes cast and the returns and evidence of tampering with the ballot box justified reflection of the poll. Volume **II,** section **857.**

Unfair conduct on the part of election officers and suspicious circumstances do not justify overturning a majority not destroyed by testimony. Volume **II,** section **1119.**

Proof of a conspiracy to defraud may, buy does not necessarily, require the returns to be rejected unless sustained by oral testimony. Volume **II,** section **1030.**

Where the examination so far as made showed fraud, but not sufficient to change the result, the House declined to presume fraud also as to other boxes which might change the result. Volume **II,** section **1035.**

The returns giving contestant much fewer votes than were proven to have have cast for him, the return of the precinct was rejected. Volume **II,** section **1097.**

Both the returns and the vote were rejected in a case wherein contestee's proof aliunde gave him a greater vote than was returned by a dishonest election board favorable to him. Volume **II,** section **932.**

ELECTIONS OF REPRESENTATIVES—Continued.

(372) Returns, Rejection of.—In General—Continued.

As to the sufficiency of a recount which justifies a disregard of the returns of the sworn election officers. Volume **II,** section **997.**

Although a parish, in a region wherein intimidation might be expected, showed a marvelous unanimity in the vote, the committee declined to reject the poll. Volume **I,** section **340.**

The House declined to reject the poll of a present whereof the registration was impeached by a police census of doubtful weight. Volume **II,** section **1067.**

No illegal vote being shown, the poll was not rejected because of presumptions created by a census and arithmetical calculations. Volume **I,** section **804.**

When canvassing officers reject returns transmitted unsealed when the law requires them to be sealed, what evidence should the House require to overrule the canvassers? Volume **II,** section **1057.**

A return impeached by the evidence of an election officer is rejected as worthless and is not received for any purpose. Volume **II,** section **890.**

Returns having been lost or destroyed, testimony of election officers being conflicting and the voters not having been called, the vote was not counted. Volume **II,** section **914.**

The governor of a State, as canvassing officer, is not justified in rejecting votes duly cast and returned. Volume **II,** section **884.**

The House declined to consider in the assignment of prima facie title a question of law as to the rejection of votes by canvassing officers. Volume **I,** section **328.**

(373) Returns.—Proof Aliunde After Rejection or Loss of.—Method of.

Where a poll has been rejected and proof aliunde is resorted to only the vote proven should be allowed. Volume **II,** section **1033.**

Returns of a poll being rejected the vote proven aliunde by one party is counted, and nothing is credited to the other party unless he also prove aliunde. Volume **II,** section **981.**

Where a conspiracy to bribe for the benefit of one party causes rejection of the return, should the innocent opposing party be credited with the unimpeached vote? Volume **II,** section **1086.**

Where returns are rejected because of fraudulent acts of election officers friendly to contestee the contestant yet loses his returned vote as well as contestees. Volume **II,** section **1102.**

The returns being rejected the House counted for sitting Member, apparently somewhat as a matter of grace, the votes conceded to him by contestant's brief. Volume **II,** section **1034.**

The returns being rejected and contestant having proven his vote aliunde the returned Member, who had not proven his vote, was not allowed the residue of the poll. Volume **II,** section **1050.**

An election officer having committed a fraudulent act in counting ballots, the return, was rejected and only votes proven aliunde were allowed. Volume **II,** section **1008.**

Instance of an election proven by testimony of participants, the returning officers serving a secession government and making no return. Volume **I,** section **365.**

(374) Returns.—Proof Aliunde After Rejection or Loss of.—Nature of.

The failure of an officer to certify properly a return does not prevent the admission of secondary evidence to prove the actual state of the vote. Volume **I,** section **640.**

The returns being stolen after they were made out by the election officer, their contents were proven orally by one witness. Volume **II,** section **1043.**

Where returns are rejected the vote may not be proven aliunde by the opinion of a person who kept a tally sheets. Volume **II,** section **902.**

Certificates of canvassing officers, supplemented by certified transcripts by a chancery clerk, were held prima facie evidence of the votes at a poll whereof the primary returns were rejected. Volume **II,** section **960.**

When by a conspiracy of officials ignorant election officers were installed and then their imperfect returns rejected, contestant was permitted to prove the vote aliunde by oral evidence of inspection, etc. Volume **II,** section **965.**

ELECTIONS OF REPRESENTATIVES—Continued.

(374) Returns.—Proof Aliunde After Rejection or Loss of—Nature of—Continued.

Returns being rejected for fraud by election officers, no act of the said officers may be admitted as proof aliunde of the vote. Volume **II,** section **932.**

Original returns of the precints being lost, the House, by testimony, proved that certain votes returned as "scattering" because of misnomer were actually cast for contestant. Volume **I,** section **38.**

The regular returns being lost or invalidated and not canvassed, the House took into account a statement of the United States supervisors as to the state of the vote. Volume **II,** section **1014.**

The returns being destroyed by a tampering with the ballots after the count, contestant was permitted to prove his vote aliunde by testimony of persons who saw the votes cast and tallied or estimated it. Volume **II,** section **1008.**

Returns being rejected for fraud, the statement of a witness who saw a definite number of votes thrown for contestant, corroborated by general testimony, was received as proof aliunde. Volume **II,** section **1023.**

The returns being rejected the vote aliunde was proven entirely by the testimony of the voters. Volume **II,** section **964.**

The return being rejected, votes were proven aliunde on testimony of the voters corroborated by a witness who saw them vote. Volume **II,** section **964.**

Returns being rejected and the boxes impeached, the vote was proven aliunde by calling the voters whose names appeared on the poll lists. Volume **II,** section **1034.**

Returns being rejected, the evidence of the voters as to how they voted is not always accepted in proving the vote aliunde. Volume **II,** section **932.**

As to the validity of a supplemental return proven by the election officers and not by the best evidence, i.e., the ballots themselves. Volume **II,** section **948.**

(375) Returns.—Proof Aliunde After Rejection or Loss of.—In General.

Returns being rejected the vote may be proved aliunde. Volume **II,** section **857.**

The ballot box being stolen and no returns made, the vote was proven aliunde. Volume **II,** section **1019.**

Where voters of one party are compelled to remain away from the polls to thwart organized fraud the other party is not permitted to avail himself of votes proven aliunde after returns are rejected. Volume **II,** section **1115.**

Discussion of the kind of evidence required to prove aliunde a vote at a precinct whereof the returns are rejected. Volume **II,** section **858.**

Distinction between proof required to set aside returns of sworn officers and that which will establish a vote aliunde when returns do not exist. Volume **II,** section **965.**

Contestant producing no legal evidence as to the return and nothing to show that such return might not have been produced, parol evidence as to the vote was not considered. Volume **II,** section **1013.**

(376) Returns, Purging of.—Not To Be Rejected if Corrections May Be Made.

An entire poll should not be rejected when it is possible to purge it of illegal votes. Volume **II,** section **880.**

An official return shown to be erroneous and incapable of correction ought to be rejected in entirety. Volume **VI,** section **144.**

Where an unconstitutional State law disfranchises a large class the House prefers to measure the wrong rather than declare a vacancy. Volume **II,** section **1075.**

Where canvassing officers acted arbitrarily, although not fraudulently, the House corrected their result by the precinct returns. Volume **II,** section **899.**

Although the election in a large part of a county may be vitiated by disregard of law by the county election officers, yet the returns of unassailed precincts in the county should be counted. Volume **II,** section **1124.**

ELECTIONS OF REPRESENTATIVES—Continued.

(376) Returns, Purging of.—Not To Be Rejected if Corrections May Be Made—Continued.

The House declined to declare a seat vacant in a case wherein unsatisfactory proof of contestant's election was reinforced by bad conduct of election officers favorable to contestee. Volume **II,** section **875.**

In a simple case of discrepancy between the vote returned and the vote proven by testimony of voters the return was corrected, not rejected. Volume **II,** section **858.**

There being a discrepancy between the return and the vote proven to have been cast, the House corrected the return. Volume **II,** section **896.**

Where testimony showed that fewer persons went to the polls than the total of returned votes, the excess of votes was deducted from the party profiting. Volume **II,** section **1065.**

A return was corrected on the evidence of the tally list, supplemented by oral testimony of an election officer and a recount of ballots. Volume **II,** section **999.**

The Elections Committee declined to revise the returns on the strength of the tally lists, the election officers not being called or a recount of ballots made. Volume **II,** section **876.**

A question as to the making of a motion to suppress affidavits in the record of an election case. Volume **II,** section **1024.**

The Elections Committee has no authority to alter or suppress improper pleadings in the notice and answer. Volume **II,** section **1125.**

Not knowing who profited by certain decisive votes cast by disqualified voters, the House hesitated to declare the seat vacant. Volume **I,** section **822.**

The House having deducted from the returns the number of votes cast by disqualified persons, awarded the seat to the candidate receiving the highest number of votes cast by qualified voters. Volume **I,** section **762.**

Bribery being proven, the House deducted the tainted votes, but did not reject the poll. Volume **II,** section **1055.**

Participation by an election judge in bribery did not justify rejection of the poll when the contaminated votes could be separated. Volume **II,** section **1068.**

Although excitement and alarm prevailed in a county, with the presence of an armed force in the neighborhood of the polls, the committee did not recommend the rejection or correction of the vote. Volume **I,** section **604.**

Ballots which were by error cast with a numbered stub still attached were deducted from the poll as bearing a distinguishing mark forbidden by law. Volume **I,** section **527.**

Discussion of the extent and degree of intimidation and fraud justifying rejection rather than purging of the poll. Volume **I,** section **338.**

The parties in proving fraud having proved the votes actually cast, the House corrected the poll instead of rejecting it. Volume **II,** section **866.**

Instance wherein an entire precinct return was rejected because a few votes were proven to have been briefed. Volume **II,** section **1113.**

Where a conspiracy to bribe is shown, and an indefinite number of tainted votes are cast, the entire poll is rejected. Volume **II,** section **1086.**

The entire poll may not be rejected because an unascertained number of electors were corruptly influenced by tickets to a barbecue. Volume **II,** section **1085.**

Discussion as to the principles on which a fraudulent return is rejected. Volume **II,** section **881.**

Discussion of the reasons justifying the rejection of an entire poll. Volume **II,** section **881.**

Although a portion of the election officers were disqualified persons corruptly appointed, the Elections Committee did not reject the poll, but corrected the return by a recount. Volume **II,** section **1016.**

Official ballots being destroyed in furtherance of a conspiracy of election officers, the House corrected the return on testimony of witnesses who estimated the amount of resulting injury. Volume **II,** section **1094.**

Discussion as to the evidence required to reject votes of alleged paupers received and counted by the election officers. Volume **II,** section **909.**

ELECTIONS OF REPRESENTATIVES—Continued.

(376) Returns, Purging of.—Not To Be Rejected if Corrections May Be Made—Continued.

Contestant's notice not having specifically demanded the rejection of an entire precinct, the Committee on Elections corrected the poll, although rejection appeared justifiable. Volume **II,** section **875.**

Misconduct of the officer who assists illiterates to mark their ballots justifies correction but not rejection of the poll. Volume **II,** section **1080.**

Having deducted from the poll all the votes illegally given, the House confirmed the title of sitting Member, who had a majority of legal votes. Volume **I,** section **770.**

The House having deducted from the returns the number of votes cast by disqualified persons awarded the seat to the candidate receiving the highest number of votes cast by qualified voters. Volume **I,** sections **762, 765.**

As to whether a correction of the returns changing the result may throw the burden of establishing his title on the returned Member. Volume **II,** section **1020.**

Objections to the pro rata method of purging the polls of unsegregated illegal votes. Volume **II,** section **941.**

Criticism of the rule of proportionate deduction of illegal votes the nature of which is unknown. Volume **II,** section **934.**

The House deducted on account of an uncertified precinct return, although only the parol evidence of a single witness showed that it was included in the county canvass. Volume **II,** section **981.**

The Committee on Elections declined to reject or purge a poll because of the bad conduct of United States marshals. Volume **II,** section **935.**

The State law providing for preservation of the votes as a record but not for a recount, the House corrected the returns by an unofficial recount which it deemed correct. Volume **II,** section **997.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified was purged and not rejected. Volume **I,** section **554.**

The State law requiring the polls to be open from "sunrise to sunset," and the polls being closed at sunset and then reopened, the votes cast after sunset were rejected. Volume **II,** section **872.**

Discussion as to method of determining the nature of unsegregated votes cast by disqualified voters. Volume **II,** section **1021.**

The House declined to declare the seat vacant because illegal votes cast at a few precincts, but decisive of the general result, could not be segregated. Volume **II,** section **941.**

It being impossible to prove how a disqualified voter cast his ballot, the vote was not deducted. Volume **II,** section **929.**

More illegal votes appearing than the total number cast for one candidate, the excess were deducted by the committee from the other candidate in the absence of identifying evidence. Volume **I,** section **616.**

The House is not confined to the conclusions of returns make up in strict conformity to State law, but may examine the votes and correct the returns. Volume **I,** section **774.**

The House, having corrected the returns by an ascertainment of the qualifications of certain voters, seated the contestant in accordance with the findings. Volume **I,** section **767.**

It being impossible to separate the good from the bad vote, the poll was rejected. Volume **II,** section **984.**

An entire poll is not to be rejected except after the fullest attempt to purge it of illegal votes. Volume **II,** section **904.**

(377) Returns, Purging of.—Not To Be Rejected Even for Fraud if Corrections May Be Made.

The House favored purging rather than rejecting the return of an entire county wherein a partisan county election board had so printed the ballot as to confuse voters. Volume **II,** section **1080.**

ELECTIONS OF REPRESENTATIVES—Continued.

(377) Returns, Purging of.—Not To Be Rejected Even for Fraud if Corrections May Be Made—Continued.

Where election officers were all of contestee's party and certain electors voted twice, the excess was deducted from contestee. Volume **II,** section **1092.**

Discussion as to the wisdom of attempting to purge a poll whereof both returns and ballots are discredited by fraud of election officers. Volume **II,** section **1062.**

Although glaring frauds and intimidation have existed, yet conceded fairness in a portion of the district and the legal presumption in favor of other portions have saved the seat to contestee. Volume **II,** section **1035.**

The poll being virtually under control of contestee's friends, who acted fraudulently, the committee rejected contestee's vote, but apparently not contestant's. Volume **II,** section **1092.**

Official ballots being destroyed in furtherance of a conspiracy of election officers, the House corrected the return on testimony of witnesses who estimated the amount of resulting injury. Volume **II,** section **1094.**

Where election officers procured incorrect markings for illiterate voters so that the ballots were rejected, the House corrected but did not reject the vote. Volume **II,** section **1097.**

Participation by an election judge in bribery did not justify rejection of the poll when the contaminated votes could be separated. Volume **II,** section **1068.**

The returns of a precinct being shown to have been fraudulently altered, the House corrected the return by the count as made at the polls. Volume **I,** section **542.**

In a rural precinct from which one vote was returned for contestant, and wherein names not known to old residents were found on the poll list, deduction was made from contestee's poll. Volume **II,** section **1092.**

Evidence of a conspiracy of election officers to defraud may not be sustained by contradicted testimony of two or more persons who declare they saw more votes cast for contestant than were returned. Volume **II,** section **1025.**

The House, by reason of the ex parte nature of the evidence, declined to follow its committee in rejecting the poll where the conduct of election officers was irregular and apparently fraudulent. Volume **I,** section **834.**

Instance wherein the Elections Committee, in passing on the intent of election officers accused of fraud, took into account the conduct of those officers at a subsequent election. Volume **II,** section **874.**

Where election markers fraudulently mark the ballots of illiterate voters the returns may be impeached by the testimony of the voters as to the ballots they intended to vote. Volume **II,** section **1102.**

In a contested-election case involving alleged fraud by election judges the acquittal of those judges in the courts is not an adjudication binding on the House. Volume **II,** section **1019.**

The Elections Committee felt bound to follow a State law as it stood, although inadequate to secure honesty from election officers. Volume **II,** section **967.**

Votes taken before the legal hour for opening the polls by officers having fraudulent intent are valueless. Volume **II,** section **874.**

The conduct of election officers being impeached by a return shown to be false, ballots in their custody are thereby discredited. Volume **II,** section **1050.**

(378) Returns, Purging of.—For Fraudulent or Irregular Ballots.

The House purged the poll rather than to declare a vacancy when a fraudulent ballot was used in a decisive county. Volume **II,** section **1095.**

It being impossible to determine for whom informal ballots (issued because the regular ones had failed) had been cast, the House did not correct the return. Volume **II,** section **1088.**

ELECTIONS OF REPRESENTATIVES—Continued.

(378) Returns, Purging of.—For Fraudulent or Irregular Ballots—Continued.

Where a marking judge refused assistance to voters, the House did not reject the returns, but added votes proven aliunde. Volume **II,** section **1109.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

The House declined to reject a vote on charges of general bribery sustained by hearsay testimony. Volume **II,** section **1000.**

Discussion as to validity of English rule that to justify rejection of votes, bribery must be practiced by the candidate or agent. Volume **II,** section **907.**

The House declined to reject a return because of irregularities on the part of election officers and the settlement of discrepancies between the ballots and the poll list by additions. Volume **II,** section **1000.**

The House rejected a return of State election officers on the evidence of the returns of United States supervisor of elections. Volume **I,** section **736.**

(379) Returns, Purging of.—Where Bribed or Fraudulent Votes Are Proven.

The votes of persons proven to have been corrupted by bribery are rejected by the House. Volume **I,** section **575.**

Ballots tainted with bribery and distinguishable by a mark were deducted from the returns. Volume **II,** section **1016.**

The House should not count a bribed vote, although no State law may require its rejection. Volume **II,** section **1125.**

Where certain electors testified that they were bribed to vote for contestee the House subtracted their votes from his poll, but did not reject the entire poll. Volume **II,** section **1097.**

Unnecessary employment of men in a navy-yard preceding election, some on recommendation of a candidate, was held a condition on which to predicate a rejection of votes for bribery. Volume **II,** section **917.**

The Elections Committee leaned to the view that a promise of general distribution of food to voters was a corrupting influence justifying purging of the poll. Volume **II,** section **907.**

One candidate's name being scratched and another's written in with a pencil of illegal color for a corrupt purpose, the ballot was vitiated as to both names. Volume **II,** section **1017.**

If an elector enters into an express or implied agreement as to his vote the presumption is created that he votes in accordance with the agreement. Volume **II,** section **917.**

Employment for the purpose of controlling a vote, such object being known and acquiesced in by the voter, throws on the party naturally profiting the onus of proving that the vote was not influenced. Volume **II,** section **917.**

Legal voters may not be disfranchised because members of political committees may have violated the law in assisting said voters to reach the polls. Volume **II,** section **943.**

Discussion of English and American election law as related to bribery. Volume **II,** section **946.**

The parties in proving fraud having proved the votes actually cast, the House corrected the poll instead of rejecting it. Volume **II,** section **866.**

Where returns showed a large vote for contestee and a merely nominal vote for contestant, the House deducted from contestee where persons recorded on the poll list testified that they did not vote. Volume **II,** section **1092.**

Over 2,000 illegal votes having been proven, the committee by proof aliunde determined for whom a portion were cast and rejected them without disturbing the remainder. Volume **II,** section **1131.**

At a poll where votes were cast by disqualified persons the return was corrected on the testimony of persons who assumed to know how the disqualified persons voted. Volume **II,** section **875.**

ELECTIONS OF REPRESENTATIVES—Continued.

(379) Returns, Purging of.—Where Bribed or Fraudulent Votes Are Proven—Continued.

Where many votes were returned for contestee and one or two for contestant and the total was larger than the number of persons shown to have entered the polling place, the excess was deducted from contestee. Volume **II,** section **1092.**

The House requires very plain evidence to presume such an interweaving of bribery in the votes as to justify rejection of the poll. Volume **II,** section **1005.**

The proof of one corrupted vote going into a ballot box does not invalidate the whole. Volume **II,** section **973.**

Where a conspiracy to bribe is shown and an indefinite number of tainted votes are cast the entire poll is rejected. Volume **II,** section **1086.**

(380) Returns, Purging of.—For Intimidation.

An ascertained number of voters being intimidated by roughs, the House corrected but did not reject the poll. Volume **II,** section **1028.**

The House rejected the votes of paupers who were carried to the polls by officers and compelled to vote contrary to their party affiliations. Volume **II,** section **990.**

The House rejected votes cast by prisoners brought from the jail to the polls and voting under duress. Volume **II,** section **990.**

A voter having cast a ballot he would not otherwise have voted in order to free himself from a prosecution, the vote was rejected. Volume **II,** section **949.**

Although the voting place was illegally and fraudulently located and there was intimidation at the polls, as well as fraudulent alteration of the returns, the entire vote was not rejected. Volume **I,** section **542.**

(381) Returns, Purging of.—Of Unidentified Illegal Votes.

Discussion as to the proper method of deducting from the returns unsegregated illegal votes. Volume **II,** section **1001.**

As to the principle of deducting unsegregated illegal votes by a system of computation. Volume **II,** section **991.**

Overruling its committee, the House declined to deduct proportionately from the two candidates unidentified votes cast by disqualified persons. Volume **II,** section **921.**

Instance wherein the House rejected votes as disqualified without ascertaining the names of the voters or the precincts wherein they voted. Volume **II,** section **985.**

The House made no correction for a limited number of persons registered at an illegal time, there being no proof of how they voted. Volume **II,** section **1088.**

Criticism of the rule of proportionate deduction of illegal votes, the nature of which is unknown. Volume **II,** section **934.**

Where the nature of illegal votes could not be shown, the House preferred to reject the precinct poll rather than apportion pro rata. Volume **II,** section **941.**

Qualified voters being denied the right to vote because other persons had voted on their names, the House counted the votes for the candidate for whom they were offered without deducting the illegal votes. Volume **I,** section **579.**

Where rejection of the poll (although undoubtedly merited) would accrue to advantage of the offending party, the House purged by deducting the illegal votes from the latter's poll. Volume **II,** section **908.**

The House declined to declare the seat vacant because illegal votes, cast at a few precincts but decisive of the general result, could not be segregated. Volume **II,** section **941.**

As to the degree of evidence required to prove the ballot of a disqualified voter who does not testify to his own vote. Volume **II,** section **929.**

As to efficacy of voter's admissions to prove an illegal vote. Volume **II,** section **958.**

Where nonregistered voters were required to file affidavits on voting, and these affidavits did not appear on file, the House rejected the votes. Volume **II,** section **1041.**

ELECTIONS OF REPRESENTATIVES—Continued.

(381) Returns, Purging of.—Of Unidentified Illegal Votes—Continued.

The burden is on the party objecting to the vote to show that the elector objected to for illegal registration was illegally registered and for whom he voted. Volume **II,** section **1048.**

An entire poll is not to be rejected except after the fullest attempt to purge it of illegal votes. Volume **II,** section **904.**

In the absence of evidence to the contrary, the election officers are presumed to have acted correctly in denying the claims of certain persons who attempted to vote. Volume **II,** section **1055.**

(382) Returns, Purging of.—For Excess of Ballots.

Where election officers did not follow State law and draw out an excess of ballots the Elections Committee deducted proportionately. Volume **II,** section **904.**

The Elections Committee corrected a return wherein testimony of bystanders showed that partisan election officers had acted unfairly in drawing from the box an excess of ballots. Volume **II,** section **970.**

Instance wherein the House purged and did not reject a poll whereof the election officers had acted unfairly in drawing out of the box excess ballots. Volume **II,** section **981.**

Instance wherein the Committee on Elections purged and did not reject a poll whereof the election officers had withdrawn excess ballots unfairly. Volume **II,** section **982.**

Objections to the pro rata method of purging the polls of unsegregated illegal votes. Volume **II,** section **941.**

The Elections Committee leaned to the view that a promise of general distribution of food to voters was a corrupting influence justifying purging of the poll. Volume **II,** section **907.**

More illegal votes appearing than the total number cast for one candidate, the excess were deducted by the committee from the other candidate in the absence of identifying evidence. Volume **I,** section **616.**

The House reversed the rule of its committee that a vote might be rejected from the poll on the testimony of more than one witness that the voter was unknown in the country. Volume **I,** section **55.**

General evidence that repeaters voted is not effective unless supplemented by specific evidence as to whom they were and where and for whom they voted. Volume **II,** section **1055.**

Where election officers received votes without the required evidence that a poll tax had been paid the House rejected the votes, although the tax had in fact been paid. Volume **II,** section **1051.**

Discussion as to the evidence required to reject votes of alleged paupers received and counted by the election officers. Volume **II,** section **909.**

A vote admitted without presentation of required evidence at the polls is not validated by production of the evidence during the investigation. Volume **II,** section **979.**

Contestant having neglected to show for whom votes impeached by him were cast, they were deducted from his poll. Volume **II,** section **921.**

As to whether the House should count ballots illegally but not fraudulently cast and properly rejected by the election officers. Volume **II,** section **922.**

It being impossible to prove how a disqualified voter cast his ballot, the vote was not deducted. Volume **II,** section **929.**

When both sides have, without objection, investigated an alleged illegal vote, failure to specify it in notice of contest may not be urged. Volume **I,** section **588.**

The election district having been illegally constituted, the votes cast therein were rejected. Volume **II,** section **911.**

(383) Returns, Purging of.—Where Rejection of, Would Harm Injured Party.

Although usurpers had acted with the election officers and the ballots were stolen, the committee declined to reject the return on the ground that it would increase the harm to the injured party. Volume **II,** section **1053.**

ELECTIONS OF REPRESENTATIVES—Continued.

(383) Returns, Purging of.—Where Rejection of, Would Harm Injured Party—Continued.

The rejection of an entire poll for intimidation on behalf of contestant may add to the injury if the return gave contestee a majority. Volume **II,** section **891.**

(384) Returns, Purging of.—Illegal Votes.—Proportionate Deductions.

Where the nature of illegal votes had not been determined the Committee on Elections deducted a proportionate number from the poll of each candidate. Volume **II,** section **903.**

The House deducted an excess of ballots proportionately, although the State law did not justify bringing them into the count. Volume **II,** section **992.**

Instance wherein the minority views proposed that the poll should be purged of illegal votes by deductions pro rata. Volume **II,** section **962.**

Where the nature of illegal votes could not be shown the House preferred to reject the precinct poll rather than apportion pro rata. Volume **II,** section **941.**

Instance wherein, without violating the secrecy of the ballot, the Elections Committee by computation rectified a poll. Volume **I,** section **777.**

(385) Returns, Purging of.—For Illegal Votes.—In General.

An entire poll should not be rejected when it is possible to purge it of illegal votes. Volume **II,** section **880.**

An entire poll is not to be rejected except after the fullest attempt to purge it of illegal votes. Volume **II,** section **904.**

The House will not overrule the decisions of honest election officers on conflicting testimony as to qualifications of voters. Volume **II,** section **971.**

The Elections Committee declined to revise the returns on the strength of the tally lists, the election officers not being called or a recount of ballots made. Volume **II,** section **876.**

The State law requiring the polls to be open from "sunrise to sunset" and the polls being closed at sunset and then reopened, the votes cast after sunset were rejected. Volume **II,** section **872.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

In a simple case of discrepancy between the vote returned and the vote proven by testimony of voters the return was corrected, not rejected. Volume **II,** section **858.**

Where many votes were returned for contestee and one or two for contestant and the total was larger than the number of persons shown to have entered the polling place the excess was deducted from contestee. Volume **II,** section **1092.**

In a rural precinct from which one vote was returned for contestant and wherein names not known to old residents were found on the poll list deduction was made from contestee's poll. Volume **II,** section **1092.**

Discussion as to whether a poll should be purged or rejected when the returns given the total of votes far beyond the number of voters attending. Volume **II,** section **1065.**

Where testimony showed that fewer persons went to the polls than the total of returned votes the excess of votes was deducted from the party profiting. Volume **II,** section **1065.**

Where election officers were all of contestee's party and certain electors voted twice the excess was deducted from contestee. Volume **II,** section **1092.**

The house having deducted from the returns the number of votes cast by disqualified persons, awarded the seat to the candidate receiving the highest number of votes cast by qualified voters. Volume **I,** sections **762, 765.**

Having deducted from the poll all the votes illegally given, the House confirmed the title of sitting Member who had a majority of legal votes. Volume **I,** section **770.**

Where an unconstitutional State law disfranchises a large class the House prefers to measure to wrong rather than declare a vacancy. Volume **II,** section **1075.**

ELECTIONS OF REPRESENTATIVES—Continued.

(385) Returns, Purging of.—For Illegal Votes.—In General—Continued.

An investigation showing for sitting Member a majority the House declined to vacate the seat because certain irregularities (not frauds) suggested that further inquiry might change the result. Volume **I,** section **783.**

Although the fraud in a district may be extensive, the House prefers to purge the return rather than declare the seat vacant. Volume **II,** section **1103.**

To vitiate the election of returned Member a general scheme of fraud must be proven both to have existed and to have been effective. Volume **II,** section **967.**

The Elections Committee, in an unsustained report, held that a seat should be declared vacant for a fraud which might have reversed the result. Volume **I,** section **822.**

Not knowing who profited by certain decisive votes cast by disqualified voters, the House hesitated to declare the seat vacant. Volume **I,** section **822.**

The House, overruling its committee, declined to unseat a returned Delegate because in calling the election the governor had exercised doubtful authority. Volume **I,** section **766.**

The fact that a decisive number of voters stand in line to vote and are prevented, justifies a declaration that the seat is vacant. Volume **II,** section **1033.**

Discussion of the extent of intimidation sufficient to invalidate an election and justify declaring the seat vacant. Volume **I,** section **325.**

The House, going outside the allegations of the parties and ascertaining by historic knowledge disturbances causing 232 deaths, declared an election invalid. Volume **I,** section **329.**

Returns being rejected, the vote may be proved aliunde. Volume **II,** section **857.**

Fraudulent election returns are good for proof of no part of the vote, but both parties must resort to proof aliunde. Volume **II,** section **1019.**

Instance wherein a return was rejected and count aliunde admitted without request for the same in contestant's notice. Volume **II,** section **964.**

Where a poll has been rejected and proof aliunde is resorted to only the vote proven should be allowed. Volume **II,** section **1033.**

Returns of a poll being rejected, the vote proven aliunde by one party is counted and nothing is credited to the other party unless he also prove aliunde. Volume **II,** section **981.**

The returns being rejected and contestant having proven his vote aliunde, the returned Member, who had not proven his vote, was not allowed the residue of the poll. Volume **II,** section **1050.**

The parties in proving fraud having proved the votes actually cast, the House corrected the poll instead of rejecting it. Volume **II,** section **866.**

Where returns are rejected because of fraudulent act of election officers friendly to contestee, the contestant yet loses his returned vote as well as contestee. Volume **II,** section **1102.**

Where voters of one party are compelled to remain away from the polls to thwart organized fraud the other party is not permitted to avail himself of votes proven aliunde after returns are rejected. Volume **II,** section **1115.**

Contestant having been prevented from proving his vote aliunde by intimidation, the House did not reject fraudulent returns made by partisans of contestee and giving contestant a plurality. Volume **II,** section **1023.**

The returns being rejected, the House counted for sitting Member, apparently somewhat as a matter of grace, the votes conceded to him by contestant's brief. Volume **II,** section **1034.**

(386) State Election Law as Related to Federal Law.

A question as to whether or not the votes of persons deprived of citizenship by an act of Congress should be rejected in a case where the State law did not require a voter to be a citizen of the United States. Volume **I,** section **451.**

The House rejected votes cast by persons not naturalized citizens of the United States, although entitled to vote under the statutes of a State. Volume **I,** section **811.**

ELECTIONS OF REPRESENTATIVES—Continued.

(386) State Election Law as Related to Federal Law—Continued.

Discussion as to whether State laws prescribing times, places, and manner become in effect Federal laws as to election of Congressmen. Volume **II,** section **959.**

No State may prescribe qualifications for a United States Senator in addition to those prescribed by the Federal Constitution. Volume **I,** section **632.**

In electing a Senator the State legislature acts under authority of the Federal Constitution, and a State constitution and laws conflicting therewith are void. Volume **I,** section **632.**

A notary taking testimony in an election case under the Federal law has jurisdiction within the district, although State law may restrict his functions to a county. Volume **II,** section **1064.**

(387) State Election Laws in General.

A question as to whether a State law may give to the minority candidate the seat for which the majority candidate is disqualified. Volume **I,** section **459.**

In an exceptional case the House rejected votes cast by persons lately in armed resistance to the Government, although by the law of the State they were qualified voters. Volume **I,** section **451.**

When a State law does not provide for reinspection of ballots may they be examined under authority of the law for taking testimony in election cases? Volume **II,** section **1062.**

It is an extraordinary and dangerous policy for a State law to lodge in canvassing officers the power to reject votes. Volume **II,** section **887.**

Although the State law forbade temporary closing of a poll on penalty of vitiating the election, yet the harmless act of suspending voting while the officers dined was overlooked. Volume **II,** section **866.**

A voter being qualified as to naturalization, his vote was not rejected because he did not produce his papers at the polls as required by the State constitution. Volume **II,** section **933.**

Certain officers of election being held to be disqualified under State law, the House rejected the returns over which they had presided, declining to treat them as de facto officers. Volume **I,** section **451.**

In 1834 the Elections Committee adopted the rule that depostitions must be signed by the witness unless State law made the certificate of a magistrate sufficient. Volume **I,** section **54.**

A new State constitution being recognized by State authorities and by Congress in the reception of Representatives, the House will not question it in an election case. Volume **II,** section **870.**

The Elections Committee declined to consider an allegation that an election otherwise unimpeached was invalid because the constitution of the State was void. Volume **I,** section **754.**

The official certificate of a State officer giving the returns may be introduced at any stage of the proof in an election case. Volume **I,** section **720.**

A question as to whether certain copies of election papers certified to by public officers were actually evidence or not. Volume **I,** section **720.**

(388) Suffrage.—A Political Right Based on the Constitution.

Suffrage is a political right or privilege which, after it is granted, may be restricted or enlarged. Volume **II,** section **869.**

The Constitution requires election of Representatives by the people and State authorities may not determine a tie by lot. Volume **I,** section **775.**

In Rhode Island, in 1886, a majority vote was required for election of a Representative in Congress. Volume **II,** section **1004.**

An election for Congressmen not called nor sanctioned by State officers and particpated in by a fraction merely of the people would not be valid even through held on the legal day. Volume **I,** section **525.**

ELECTIONS OF REPRESENTATIVES—Continued.

(388) Suffrage.—A Political Right Based on the Constitution—Continued.

A claimant who received a small vote, not officially canvassed or declared but cast on the legal day, was preferred to one receiving a far larger vote on a day not the legal one. Volume **I,** section **524.**

Votes cast on a legal election day were held valid by the House, although the State official had withdrawn his proclamation calling the election for that day. Volume **I,** section **524.**

The House seated a claimant who had received a third of the votes of a district, the remainder being cast for candidates for a secessionist Congress. Volume **I,** section **365.**

The House considered an election valid although in 5 of 10 parishes the vote, which was less than half the vote of the district, was rejected. Volume **I,** section **335.**

The House adjudged valid for prima facie title an election wherein parishes casting 14,346 out of 27,055 votes in the district were rejected. Volume **I,** section **328.**

The House declared vacant a seat in a case wherein over one-half of the total vote of a district had been rejected for intimidation. Volume **I,** section **334.**

Reference to statutes providing penalities for interference with the rights of persons to suffrage (footnote). Volume **I,** section **511.**

No officer of the Army or Navy shall prescribe qualifications of voters or interfere with the suffrage. Volume **I,** section **512.**

An agreement of parties as to the admissibility of votes was overruled by the Elections Committee on the ground that the elective franchise might not be qualified by such agreement. Volume **I,** section **771.**

A new State constitution withholding suffrage from persons not able to take an oath of loyalty was held valid and not in the nature of an ex post facto law. Volume **II,** section **869.**

The laws of Texas have a poll-tax qualification for suffrage which discriminate between residents of the city and the country. Volume **I,** section **644.**

It being charged that the State laws establishing qualifications of voters violated the reconstruction laws and the Constitution of the United States, a divided committee considered the question one for the courts. Volume **I,** section **644.**

Affirmation of the conclusion that the House would not invalidate an election because a State had disregarded reconstruction legislation as to qualifications of voters. Volume **II,** section **1135.**

The abridgment of the elective franchise with reference to apportionment as well as the collection of general statistics has been considered by the Committee on Census. Volume **VI,** section **4352.**

Discussion as to use of proxies at meetings of political executive commitees. Volume **II,** section **1117.**

In an election an allegation that a certain number of votes was cast by proxy was conceded sufficiently certain without specification of the names. Volume **I,** section **763.**

A return seasonably made and in legal form, but giving certain proxy votes and votes of persons disqualified, was purged and not rejected. Volume **I,** section **554.**

In a case wherein an unofficial and ex parte recount was relied on, because the ballots themselves could be reached officially only by the House itself, the House reopened the case for examination of the ballots. Volume **II,** section **1070.**

Discussion as to the status of the ballots as evidence when the honesty of the election officers is impeached. Volume **II,** section **1043.**

A suspicious increase of votes as compared with the previous election was considered in an election case where fraud was alleged. Volume **I,** section **841.**

The name of a witness who swore to his own vote not being mentioned in the notice to take depositions as required by law, the vote was rejected. Volume **I,** section **557.**

Where poll lists were not preserved as a record parol proof was resorted to for showing that the vote was actually cast. Volume **I,** section **795.**

The decision of election officers that ballots were fraudulently folded was reviewed and reversed by the House. Volume **I,** section **775.**

ELECTIONS OF REPRESENTATIVES—Continued.

(388) Suffrage.—A Political Right Based on the Constitution—Continued.

A vote challenged in notice of contest by either party is a proper subject of investigation. Volume **I,** section **588.**

When both sides have, without objection, investigated an alleged illegal vote, failure to specify it in notice of contest may not be urged. Volume **I,** section **588.**

The House considered the constitution and laws of the State in which the election was held as affording the rule by which irregularities should be tested. Volume **I,** section **54.**

A county canvassing board having ministerial duties only are presumed to act correctly but this presumption may be rebutted at any time by reference to precinct returns. Volume **I,** section **577.**

An election being honestly conducted, the reception of illegal votes does not vitiate the poll. Volume **I,** section **801.**

The reduction of its representation is the penalty for denial of the right to vote by a State. Volume **I,** section **301.**

No penalty is fixed for a denial of the right of suffrage because of rebellion or other crimes. Volume **I,** section **301.**

(389) Suffrage.—Qualifications Under the Constitution.

The electors choosing Members of the House must have the qualifications requisite for electors of the most numerous branch of the State legislature.Volume **I,** section **297.**

In determining qualifications of voters the House follows the strict letter of the law and not local usage in disregard of law. Volume **II,** section **918.**

As to the duty of the House to pass on the constitutionality of a State law as to the qualifications of voters. Volume **II,** section **1134.**

A Territorial legislature of impeached status having by law virtually disfranchised qualified voters, the Elections Committee considered the status of the returned Delegate adversely affected. Volume **I,** section **827.**

The rights of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.Volume **I,** section **299.**

The statutes specify the qualifications of the electors of Delegates. Volume **II,** section **1290.**

The State constitution making citizenship of the United States a requisite of the elector, persons deprived of citizenship by a Federal law for desertion were held disqualified. Volume **II,** section **865.**

(390) Suffrage.—Relations of Federal Law to.

A Federal statute provides that all citizens of the United States qualified to vote shall be allowed to do so without distinction of race, etc. Volume **I,** section **511.**

The right of soldiers, sailors, and marines to exercise the privilege of suffrage is not abridged by Federal law. Volume **I,** section **300.**

A penalty is provided against interference by military or naval force in the exercise of the right of suffrage and conduct of elections. Volume **I,** section **514.**

Discussion of the right of Congress by legislative declaration to deprive citizens of a State of their rights as electors. Volume **II,** section **865.**

The House declined to invalidate an election because a State constitution has established qualifications of voters in disregard of reconstruction legislation. Volume **II,** section **1134.** Volume **VI,** sections **122, 142.**

The House will count the votes of electors denied their right of suffrage by a registration law which it deems unconstitutional and not passed on by the State courts. Volume **II,** section **1075.**

The State constitution providing that no elector should be disfranchised because not registered, the House refused to reject votes cast by nonregistered persons without certain affidavits required by statute. Volume **II,** section **939.**

ELECTIONS OF REPRESENTATIVES—Continued.

(390) Suffrage.—Relations of Federal Law to—Continued.

The ordinary provisions of the Austalian ballot system for placing names of candidates on the ticket is hardly a violation of section 1, Article XIV, of the Constitution relating to equal protection of the laws. Volume **II,** section **1063.**

The House, relying somewhat on a Federal statute, counted ballots of voters whose names after registration were omitted from the poll list, that list being conclusive on the election officers. Volume **I,** section **579.**

The reduction of its representation is the penalty for a denial of the right to vote by a State. Volume **I,** section **301.**

(391) Suffrage.—Residence as Qualification.—In General.

Discussion of the meaning of the word "residence" as related to the qualifications of a voter. Volume **I,** section **813.**

Discussion of the meaning of the words "residence" and "domicile" as related to the qualifications of a voter. Volume **II,** section **886.**

To qualify as an elector a person must be in legal acceptation, an inhabitant, initiating and continuing his residence voluntarily, on his own motion and in his own right. Volume **VI,** section **148.**

In 1834, in an inconclusive case, the Elections Committee gave the word "residence" the same meaning as "home" or "domicile." Volume **I,** section **54.**

A man does not necessarily retain his right to vote in his own home until he acquires a right to vote elsewhere. Volume **II,** section **1021.**

In an inconclusive case in 1834 the Elections Committee held that right of suffrage was not lost by removal from the State, unless there was an intention to remain away or proof of permanent locaiton elsewhere. Volume **I,** section **54.**

In determining qualifications of voter as to length of residence either the first or last day is excluded from the reckoning. Volume **II,** section **1009.**

Where elections were viva voce the Elections Committee required contestant to prove the want of residence of such persons as he claimed voted illegally. Volume **II,** section **880.**

It is not being shown that the ballots had been tampered with, and State law requiring their preservation, secondary evidence of the vote was not considered. Volume **II,** section **1065.**

A new residence may not be established by intention without an actual removal to the new place. Volume **I,** section **587.**

Residence may not be retained by a simple statement of intention when actual residence has been taken up elsewhere. Volume **I,** section **587.**

The presumption arising from the fact of registration is not overthrown by the simple proof that the voters are students. Volume **II,** section **1080.**

Where a marking judge refused assistance to voters the House did not reject the returns, but added votes proven aliunde. Volume **II,** section **1109.**

The House declined to overrule the election officers who counted votes of electors, assisted in marking without taking the required preliminary oath. Volume **II,** section **1070.**

Because the officer who assists illiterates to mark their ballots takes a narrow and technical view of his duties under the law, does not justify rejection of the poll. Volume **II,** section **1080.**

Misconduct of the officer who assists illiterates to mark their ballots justifies correction, but not rejection of the poll. Volume **II,** section **1080.**

A ballot should not be rejected because an official marker has failed to mark it properly. Volume **II,** section **1108.**

Legal voters may not be disfranchised because members of political committees may have violated the law in assisting said voters to reach the polls. Volume **II,** section **943.**

(392) Suffrage.—Residence as Qualification.—Effect of Intent.

In determining qualifications of voters the presumption is in favor of actual residence as against a claimed intent to reside elsewhere. Volume **II,** section **1021.**

ELECTIONS OF REPRESENTATIVES—Continued.

(392) Suffrage.—Residence as Qualification.—Effect of Intent—Continued.

In determining the residence of a voter the intention to remain is held consistent with an intention to change the abode at a future indefinite day. Volume **I,** section **817.**

A State law requiring a residence often days in a ward as qualification of a voter, yet it was held that he must be there with the intention of remaining. Volume **I,** section **837.**

(393) Suffrage.—Residence as Qualification.—Within Precinct or County.

Discussion as to residence within the limits of the constituency as a qualification for voters. Volume **I,** section **829.**

The law requiring the voter to reside in the precinct, the votes of such as did not were rejected by the committee. Volume **I,** section **616.**

The vote of a person residing without a precinct was rejected. Volume **II,** section **928.**

Votes cast by voters having all qualifications except the required residence within the county were rejected by a divided committee. Volume **I,** section **818.**

Residence in a county being a qualification of voters, the votes of nonresidents were rejected. Volume **I,** section **817.**

A question as to counting the votes of persons whose position in relation to the boundaries of the district was in doubt. Volume **I,** section **819.**

A person may not vote in a precinct wherein he does not live, although required to preside therein as an election officer. Volume **II,** section **991.**

On a question of residence qualification of voters ward lines in cities should be shown by record evidence of boundaries. Volume **II,** section **1021.**

A reservation being excluded by law from the limits of a Territory, the votes of persons residing thereon and not within the precinct, as required by law, were rejected by the committee. Volume **I,** section **616.**

May a registry law establish a qualification as to residence within a ward which the State constitution does not establish?. Volume **II,** section **996.**

Votes of persons otherwise qualified and cast in good faith in accordance with previous habit should not be rejected because of disputed boundary of precinct. Volume **I,** section **587.**

To reject votes cast by persons alleged not to have lived within the precinct the best evidence regarding precinct lines should be produced. Volume **II,** section **989.**

The State law requiring the voters to vote in the precinct in which they reside, the House insists on absolute and technical adherence thereto. Volume **II,** section **1044.**

It having been assumed for many years that a territory was included within a precinct, voters should not be disfranchised by discovery of a technical defect. Volume **II,** section **1021.**

Because a county was not legally organized and the election was not held on the legal day and nonresidents voted the entire vote of the county was rejected by the committee. Volume **I,** section **616.**

Voters who have performed fully their own duty as to registration are not to be disfranchised because of defects in the lists caused by establishment of new voting places. Volume **II,** section **1044.**

(394) Suffrage.—Residence as Qualification.—Of Students.

Discussion of the votes of certain students at a college. Volume **II,** section **1053.**

Discussion of the qualification as to residence of students who voted in the college town. Volume **II,** section **944.**

Full discussion of the status of college students as having or lacking the residence qualifications of voters. Volume **II,** section **991.**

Sojourners in a place for the sole purpose of study at a college may or may not have a legal residence therein. Volume **II,** section **886.**

Persons within a precinct as students, for a transitory or temporary purpose, without the interests or burdens of citizens, and going elsewhere for vacations were held not to have voting residence. Volume **II,** section **991.**

ELECTIONS OF REPRESENTATIVES—Continued.

(394) Suffrage.—Residence as Qualification.—Of Students—Continued.

Students who have left their parental homes and are relying on their own resources, with no fixed determination as to future abode, are legal voters in the college precinct. Volume **II,** section **1010.**

The House, by a close vote, sustained the contention that certain students were residents in the place wherein they attended college. Volume **I,** section **813.**

In an inconclusive case the House reversed the decision of its committee that residence while attending a school was not such residence as entitled one to the suffrage. Volume **I,** section **54.**

When a student is in a place simply for the purposes of education, a presumption is thereby raised against his intent, and other proof as to residence is necessary. Volume **II,** section **1029.**

(395) Suffrage.—Residence as Qualification.—Of Laborers, etc.

Persons within a precinct as laborers must, by proof, establish the intention and other conditions of residence. Volume **II,** section **1029.**

Journeyman mechanics were recognized as having residence within the precinct where they lived for the statutory time. Volume **II,** section **991.**

Persons working on a railroad and expecting to go thence on the completion of the work may nevertheless be considered as having a voting residence. Volume **II,** section **886.**

Persons working on a railroad and intending to leave on its completion were held not to have such residence as to make them voters. Volume **II,** section **880.**

The fact that laborers are employed in a moving gang by a corporation does not destroy the presumption that they are entitled to vote at the place of headquarters. Volume **I,** section **588.**

The law providing that employees of the State do not thereby gain a residence in the place where employed does not imply that presumption of nonresidence may not be overcome by proofs. Volume **II,** section **1021.**

Professional men within the precinct, because of work on contract and not having homes therein, were held not to be residents. Volume **II,** section **853.**

(396) Suffrage.—Residence as Qualification.—Of Soldiers.

United States soldiers, residing at the time of enlistment without the precinct and not having the intention of making a permanent residence therein, were held not to be legal voters. Volume **II,** section **876.**

The domicile of soldiers in the service of the United States is established by nativity or by residence with the requisite intention or derivative as that of family or dependents. Volume **VI,** section **148.**

Discussion as to domicile and validity of votes cast by soldiers. Volume **VI,** section **114.**

Service in the United States Army does not disqualify as a voter at the legal place of residence, but residence may not be acquired by length of time quartered under Army orders in any particular place. Volume **VI,** section **148.**

The mere fact that a voter is a soldier does not necessarily imply disqualification. Volume **II,** section **994.**

A person does not acquire a legal residence in a place by being stationed there while in the military service of the United States. Volume **II,** section **928.**

The Elections Committee held copies of muster rolls of a regiment prima facie evidence of the age of soldier voters. Volume **II,** section **851.**

Two companies of soldiers having voted together where the law required a separate poll for each, the vote was counted on testimony showing honesty and fairness in the proceedings, the law forbidding rejection for mere informalities. Volume **I,** section **557.**

Returns of soldiers' votes made to the county of their residence were not rejected by the House because a vote from another county was included, but that vote was rejected. Volume **I,** section **557.**

ELECTIONS OF REPRESENTATIVES—Continued.

(397) Suffrage.—Residence as Qualification.—Under Duress.

A person brought to a place by committal to jail, and followed by his family, nevertheless did not acquire a voting residence. Volume **II,** section **929.**

(398) Suffrage.—Resident as Qualification.—Persons in Public Institutions.

Inmates of a Soldiers' Home do not gain a residence in a precinct from the mere fact that they are quartered in the Home. Volume **II,** section **1042.**

Discussion of the qualifications as voters in respect to residence of paupers in an almshouse. Volume **I,** section **814.** Volume **II,** sections **886, 909, 989, 991.**

Paupers supported in a county poorhouse were held to have gained no residence in the town by reason of this enforced stay. Volume **I,** section **561.**

The Elections Committee knowing judicially that paupers could not by reason of living in the county almshouse have a residence in the precinct, and their being no proof that any did have a residence there their votes were rejected. Volume **II,** section **1017.**

It not being shown for whom a few paupers voted, the Elections Committee did not give the charge consideration. Volume **II,** section **1085.**

Discussion by a divided committee as to the status of paupers at a poorhouse with reference to question of residence. Volume **II,** section **909.**

Discussion of the law of residence as applied to paupers. Volume **II,** section **886.**

Discussion as to the residence of paupers living in a public institution. Volume **II,** section **991.**

Votes of paupers were rejected, although the attorney-general of the State had given an opinion that they were legal voters therein. Volume **II,** section **876.**

(399) Suffrage.—Citizenship as Qualification.

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. Volume **I,** section **298.**

The rights of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. Volume **I,** section **299.**

The House rejected votes cast by persons not naturalized citizens of the United States, although entitled to vote under the statutes of a State. Volume **I,** section **811.**

The State constitution making citizenship of the United States a requisite of the elector, persons deprived of citizenship by Federal law for desertion were held disqualified. Volume **II,** section **865.**

A voter being qualified as to naturalization his vote was not rejected because he did not produce his papers at the polls as required by the State constitution. Volume **II,** section **933.**

Votes cast by persons entitled to naturalization, but naturalized by illegal process, were rejected. Volume **II,** section **875.**

The admission to naturalization being the function of a judge, a performance of this function by a clerk is void. Volume **II,** section **992.**

Naturalization by a court whose authority was unquestioned for years was sustained by the House. Volume **II,** section **998.**

As to what is meant by a common-law jurisdiction justifying a court to naturalize aliens under the act of Congress. Volume **II,** section **998.**

Reference to a discussion as to the validity of certain naturalization papers. Volume **II,** section **874.**

The presence of names on a list of foreign citizens enrolled under authority of a treaty was held prima facie evidence of disqualification for voting. Volume **I,** section **830.**

An admitted ballot is prima facie good, and the burden of proof is on the party objecting that the voter is an alien. Volume **I,** section **796.**

A vote being received as sound, the mere fact that the voter is alien born does not compel the party claiming it to prove naturalization. Volume **I,** section **796.**

ELECTIONS OF REPRESENTATIVES—Continued.

(399) Suffrage.—Citizenship as Qualification—Continued.

Where the law requires a citizen of foreign birth to produce his naturalization papers at the time of voting, a failure so to do destroys the vote even after it has been received. Volume **II,** section **979.**

Native Indians who had severed tribal relationship held to be citizens and entitled to vote. Volume **VI,** section **148.**

Reaffirmation of former decision of the House relating to votes cast by native Indians. Volume **VI,** section **114.**

Under a decision of the Supreme Court an American-born woman married to a foreigner prior to the passage of the Cable Act and continuing residence in the United States does not lose citizenship or right to vote by such marriage. Volume **VI,** section **166.**

In a controversy as to votes objected to because the voter is an alien, the party attacking the qualification may be required to prove a negative. Volume **I,** section **796.**

Regular naturalization papers, attacked by parol proof that they were obtained by fraud, were held to justify the vote given by the bearer. Volume **II,** section **929.**

Citizenship is defined by the Constitution of the United States. Volume **I,** section **298.**

Regular naturalization papers attacked by parol proof that they were obtained by fraud were held to justify the vote given by the bearer. Volume **II,** section **929.**

A question as to whether or not the votes of persons deprived of citizenship by an act of Congress should be rejected in a case where the State law did not require a voter to be a citizen of the United States. Volume **I,** section **451.**

Where the law requires a citizen of foreign birth to produce his naturalization papers at the time of voting a failure so to do destroys the vote, even after it has been received. Volume **II,** section **979.**

Regular naturalization papers, attacked by parol proof that they were obtained by fraud, were held to justify the vote given by the bearer. Volume **II,** section **929.**

(400) Suffrage.—Education as Qualification.

Reference to a discussion of alleged disfranchisement under the educational qualification of a State. Volume **II,** section **951.**

Where provisions of the State constitution forbidding registration unless able to read and write were generally, ignored, the committee, in an inconclusive case, censured the procedure but did not recommend invalidation of the vote. Volume **VI,** section **155.**

Discussion of the claim that a ballot law practically disfranchising the ignorant established an unconstitutional qualification. Volume **II,** section **1133.**

Discussion of the claim that a law practically disfranchising the ignorant in certain portions only of a State violated a constitutional provision that "elections shall be free and equal." Volume **II,** section **1133.**

(401) Suffrage.—Taxation as Qualification.

Payment of a capitalization tax being a prerequisite for voting, the votes of persons who had not paid were rejected. Volume **II,** section **985.**

Votes of persons failing to pay poll taxes as required by State constitution should not be counted. Volume **VI,** section **158.**

Where a capitalization tax is a prerequisite to the right to vote the collection of such tax by unauthorized agents should not invalidate the vote. Volume **II,** section **993.**

Where a State law made payment of tax evidence of property qualifications, the House did not count the ballot of a voter whose tax another paid. Volume **I,** section **798.**

Where payment of a tax is a qualification of the voter the tax may be paid by another than the voter. Volume **I,** section **781.**

Discussion of the legality of a vote cast by an elector whose qualifications as to poll-tax payment have been perfected at the expense of other persons. Volume **II,** section **1105.**

Where election officers received votes without the required evidence that a poll tax had been paid the House rejected the votes, although the tax had in fact been paid. Volume **II,** section **1051.**

ELECTIONS OF REPRESENTATIVES—Continued.

(401) Suffrage.—Taxation as Qualification—Continued.

Where voting by electors who had not paid a poll tax, although in violation of the State constitution, was permitted by common consent, the committee strongly condemned the practice but did not recommend rejection of such voters. Volume **VI,** section **155.**

The laws of Texas have a poll-tax qualifications for suffrage which discriminates between residents of the city and the country. Volume **I,** section **644.**

Reference to rules governing counting of votes when freehold qualifications prevailed. Volume **I,** section **780.**

(402) Suffrage.—Effect of Disloyalty.

The House declined to find persons disqualified as voters because they had formerly borne arms against the Government. Volume **II,** section **879.**

In an exceptional case the House rejected votes cast by persons lately in armed resistance to the Government, although by the law of the State they were qualified voters. Volume **I,** section **451.**

The law of the State requiring a voter on pain of disqualification to take an oath of loyalty, votes cast by unsworn voters were rejected. Volume **II,** section **854.**

A new State constitution withholding suffrage from persons not able to take an oath of loyalty was held valid and not in the nature of an ex post facto law. Volume **II,** section **869.**

The House, overruling its committee, held void an election in a county because of the intimidating influence of a preponderating disloyal element. Volume **II,** section **868.**

In 1868 the House refused a seat to a contestant who received a small minority of the votes in a Territory, but who alleged that the majority voters were disqualified by treasonable antagonism to the Government. Volume **I,** section **467.**

In 1867 the Elections Committee took the view that charges of the disloyalty of a constituency should not prevent a person holding a regular certificate from taking a seat on his prima facie right. Volume **I,** section **448.**

(403) Suffrage.—Effect of Unsound Mind.

Discussion as to what constitutes lunacy and idiocy justifying rejection of a vote. Volume **II,** section **991.**

The House has rejected votes of lunatics whose votes had been received by election officers and in whose cases there had been no findings in lunacy. Volume **I,** section **561.**

A voter capable of making a valid will or contract or of being criminally responsible for his act may not be disqualified as of unsound mind. Volume **I,** section **586.**

Although the State law did not disqualify a person non compos mentis as a voter, the Elections Committee examined. Volume **I,** section **797.**

The fact that a voter was registered in a county infirmary as an idiot did not avail to cause rejection of his vote as illegal under the law. Volume **II,** section **989.**

The vote of a person under guardianship for lunacy was sustained on testimony that he was employed in a position of some responsibility. Volume **II,** section **989.**

Nonprofessional testimony as to a voter's "unsound mind" should be accompanied by careful definition to be of weight. Volume **I,** section **586.**

Nonprofessional evidence that a voter is an "idiot" may be given weight as a statement of fact rather than of opinion. Volume **I,** section **586.**

(404) Suffrage.—As to Right of a Pauper to Exercise.

The State law being silent as to the right of paupers to vote, the House has counted the votes of such persons. Volume **I,** section **558.**

Votes of paupers were rejected, although the attorney-general of the State had given an opinion that they were legal voters therein. Volume **II,** section **876.**

A voter ordinarily self-supporting is not to be held as a pauper because of receiving public aid temporarily. Volume **I,** section **586.**

ELECTIONS OF REPRESENTATIVES—Continued.

(404) Suffrage.—As a Right of a Pauper to Exercise—Continued.

Discussion as to the qualifications of paupers residing in an almshouse. Volume **II,** section **989.**

Discussion by a divided committee as to the status of paupers at a poorhouse, with reference to question of residence. Volume **II,** section **909.**

(405) Suffrage.—Presumptions and Evidence as to Qualifications.

A person whose vote has been received by the officers of election is presumed to be qualified. Volume **I,** section **810.**

Until the contrary is proven election officers are presumed to have tested the voter's qualifications by a required oath. Volume **II,** section **934.**

When a voter's qualifications are objected to the burden of proof is on the objecting party to show that the person voted for the competitor and was disqualified. Volume **II,** section **885.**

The disqualification of certain voters being shown prima facie, the burden of proof was thrown on the party claiming the votes. Volume **I,** section **830.**

The validity of an election is not affected by the failure of a majority of the qualified electors to exercise their right of suffrage. Volume **VI,** section **142.**

In the absence of proof to the contrary, the presumption of law is that election officials have complied with the law, and persons refused the privilege of registering or voting were disqualified under the law. Volume **VI,** section **142.**

A vote received by election officers is presumed to be legal and is not to be impeached by a question of registration, except on indubitable proof. Volume **II,** section **962.**

(406) Suffrage.—Convicts.

Where voters are disqualified for crime a vote should not be rejected unless there is proper evidence of the conviction of the person offering it. Volume **I,** section **537.**

In regard to convicts as voters, the record of conviction is the only evidence acceptable to the House unless the record has been destroyed. Volume **II,** section **963.**

As to the evidence which should be produced at the poll to justify rejection of a vote tendered by an alleged convict. Volume **II,** section **978.**

A judgment of the court was held sufficient evidence that a person was disqualified as a voter by being a convict. Volume **II,** section **1009.**

It being charged that the State laws establishing qualifications of voters violated the reconstruction laws and the Constitution of the United States, a divided committee considered the question one for the courts. Volume **I,** section **644.**

The House declined to invalidate an election because a State constitution had established qualifications of voters in disregard of reconstruction legislation. Volume **II,** section **1134.**

Affirmation of the conclusion that the House would not invalidate an election because a state had disregarded reconstruction legislation as to qualifications of voters. Volume **II,** section **1135.**

(407) Suffrage.—In General.

The House will not overrule the decisions of honest election officers on conflicting testimony as to qualifications of voters. Volume **II,** section **971.**

On so difficult a question as that of residence strong testimony is required to destroy the presumption that election officers have permitted none by qualified electors to vote. Volume **II,** section **935.**

Discussion as to the evidence required to show that persons alleged to be disqualified actually voted. Volume **II,** section **1052.**

The House will not, on pretense that a class of voters are unconstitutionally prevented from voting, count the votes of persons not shown individually to have attempted, or desired, or been qualified to vote. Volume **II,** section **1132.**

ELECTIONS OF REPRESENTATIVES—Continued.

(407) Suffrage.—In General—Continued.

The House reversed the rule of its committee that a vote might be rejected from the poll on the testimony of more than one witness that the voter was unknown in the county. Volume **I,** section **55.**

Persons being denied the privilege of voting because of disqualification, their votes may not be counted by the House on general testimony as to their qualifications. Volume **II,** section **870.**

At a poll where votes were cast by disqualified persons the return was corrected on the testimony of persons who assumed to know how the disqualified persons voted. Volume **II,** section **875.**

Unidentified votes cast by disqualified persons were proven by testimony as to party affiliations of the persons and circumstances attending the voter. Volume **II,** section **957.**

As to the testimony of third persons, objected to as hearsay, in cases of voters challenged for disqualifications. Volume **I,** section **842.**

(408) Term of.

The House is composed of Members chosen every second year by the people of the several States. Volume **I,** section **297.**

The House decided in 1869 that a person might not, by virtue of one election, sit as a Member of the House in two Congresses. Volume **I,** section **388.**

The Clerk declined to enroll claimants bearing credentials referring to an election by virtue of which the said claimants had already held seats in the preceding Congress. Volume **I,** section **388.**

Discussion as to the length of term of a Member elected to fill a vacancy caused by the House having declared a seat vacant. Volume **II,** section **1206.**

A Member elected to fill a vacancy serves no longer time than the remainder of the term of the Member whose place he takes. Volume **I,** section **3.**

An instance wherein a State law prescribed a day of election which arrived after the beginning of the term of the Congress affected. Volume **I,** section **518.**

The term of a Delegate need not necessarily begin and end with the term of a Congress. Volume **I,** section **403.**

A letter from a Member stating that his resignation has been forwarded to the governor of his State is satisfactory evidence of his resignation. Volume **I,** section **567.**

The resignation of a Member appears satisfactorily from his letter directed to the governor of his State. Volume **I,** sections **565, 566.**

The Speaker having been elected Vice President and a Member of the succeeding Congress at the same election, transmitted to the governor of his State his resignation as a Member elect. Volume **VI,** section **230.**

(409) Times, Places, Manner.—Powers of Congress and the States.

The times, places, and manner of elections of Representatives are prescribed by the State legislatures, but Congress may make or alter such regulations. Volume **I,** section **507.**

Reference to discussions of the constitutional provision as to fixing the time, etc., of elections (footnote). Volume **I,** section **507.**

Discussion of the powers of Congress and the States as to fixing the times, places, and manner of elections. Volume **I,** sections **311, 313.**

Where the State prescribes the manner of election may the House disregard an arbitrary State law which denies expression to the voter's intent? Volume **II,** section **1078.**

May the State delegate to a municipality the power to regulate the manner of holding an election? Volume **II,** section **975.**

Discussion as to the clause of the Constitution under which Federal supervisors of elections acted. Volume **II,** section **931.**

Congress has authorized the use of voting machines in the States. Volume **VI,** section **150.**

Where the State prescribes the manner of election, may the House disregard an arbitrary State law which denies expression to the voter's intent? Volume **II,** section **1078.**

ELECTIONS OF REPRESENTATIVES—Continued.

(409) Times, Places, Manner.—Powers of Congress and the States—Continued.

The House does not consider itself necessarily bound by the construction which a state court puts on the State law regulating times, places, manner, etc. Volume **II,** section **959.**

The laws of Texas have a poll-tax qualification for suffrage which discriminates between residents of the city and the country. Volume **I,** section **644.**

The evidence failing to establish as legal an election whence no returns were received, the House declined to take it into account. Volume **II,** section **1043.**

The House declined to reverse a return on the possibility but not the probability that the voters of two towns accidentally not included in the notice of election might have changed the result had they voted. Volume **I,** section **761.**

The Elections Committee in a sustained case declined to reject a poll because of informalities in the poll books and return. Volume **I,** section **770.**

Instance wherein a constitutional convention in a State undergoing reconstruction authorized the election of Members of Congress in anticipation of the sanction of Federal law. Volume **I,** section **388.**

The State legislature, in fixing the place of election, may condition the place on the movements of soldier voters. Volume **II,** section **856.**

Time and place of an election being fixed by law, the failure of officials to give a required notice was held not to justify rejection of the returns. Volume **II,** section **966.**

Is the establishing of districts an exercise of the power of regulating the times, places, and manner of elections? Volume **I,** section **310.**

Votes of persons otherwise qualified and cast in good faith in accordance with previous habit should not be rejected because of disputed boundary of precinct. Volume **I,** section **587.**

The House will not count votes of persons alleged to have been illegally denied the right to vote on the strength of mere lists of such persons kept loosely and not authenticated by testimony. Volume **II,** section **1135.**

In order to justify counting votes of voters standing in line to vote, but not voting, each voter should be called as a witness. Volume **II,** section **1033.**

The House counted the votes of persons who swore that they intended and tried to vote for contestant, but were prevented because other persons had voted on their names. Volume **II,** section **1067.**

(410) Times, Places, Manner.—Federal Laws Fixing.

A Federal law fixes the Tuesday next after the first Monday of November of every second (even-numbered) year for election of Members and Delegates. Volume **I,** section **508.**

Certain States by special exception elect their Members on a day other than the day fixed generally by Federal statute. Volume **I,** section **508.**

A Federal law provides that votes for Representatives to be valid must be by written or printed ballot or by voting machine indorsed by State law. Volume **I,** section **510.**

Reference to the Federal statute as to voting by ballot in its relation to State laws prescribing times, places, and manner. Volume **I,** section **961.**

Reference to Federal statute fixing times and manner of elections of Senators (footnote). Volume **I,** section **510.**

(411) Times, Places, Manner.—State Legislatures and Constitutions.

Discussion of the meaning of the word "legislature" in the clause of the Constitution relating to fixing the place, etc., of elections. Volume **II,** section **856.**

May a State legislature in fixing times, etc., for elections disregard the requirements of the State constitution? Volume **II,** section **856.**

Reference to the principle that in exercise of the powers conferred by the Federal Constitution the State legislature is not controlled by the State constitution. Volume **II,** section **1133.**

A question as to the right of a constitutional convention of a State to fix the time for the election of Representatives of Congress. Volume **I,** section **524.**

ELECTIONS OF REPRESENTATIVES—Continued.

(411) Times, Places, Manner.—State Legislatures and Constitutions—Continued.

May a State constitution fix the times, etc., beyond control of the legislature? Volume **II,** section **846.**

The constitution of a State may not control its legislature in fixing, under the Federal Constitution, the time of election of Congressmen. Volume **I,** section **525.**

The State legislature in fixing the place of election may condition the place on the movements of soldier voters. Volume **II,** section **856.**

Argument that right of a State to regulate time, place, and manner is derived from the Federal and not the State constitution. Volume **II,** section **947.**

A legislature being in existence, a constitutional convention may not fix the times, etc., of elections of Representatives. Volume **I,** sections **363, 367.**

The House held valid an election called on a date fixed by a State constitution, although the legislature had had an opportunity to fix the times, etc. Volume **II,** section **846.**

Discussion as to the power of a State convention to fix the time for election of Representatives in Congress when the legislature had already acted. Volume **I,** section **522.**

The House has sworn in on a prima facie showing Members-elect chosen at an election the day, etc., of which was fixed by the schedule of a constitution adopted on that election day. Volume **I,** section **520.**

Discussion as to the retroactive effect of the schedule of a new State constitution whereby a day for election of Congressmen was fixed. Volume **I,** section **522.**

Representatives elected at the time the constitution of a new State was adopted were seated after the Sate was admitted to the Union. Volume **I,** section **519.**

The Senate declined to give immediate prima facie effect to regular credentials impeached by a memorial alleging irregularities in constitution of the State legislature and suggesting personal disqualifications of the bearer. Volume **I,** section **393.**

The Senate declined to seat the bearer of credentials signed by a person exercising the authority of governor, it being objected that the signer was an usurper and that there was no election by a valid legislature. Volume **I,** section **352.**

There being rival claimants bearing credentials from rival executives and chosen by rival legislatures the Senate did not give prima facie effect to either credentials. Volume **I,** section **345.**

The Senate gave immediate prima facie effect to credentials regular in form but impeached by a memorial and historical facts relating to rival legislatures. Volume **I,** section **342.**

The Senate failed to follow its committee in giving prima facie effect to regular credentials impeached by allegations that the legislature had been elected in violation of the provisions of Federal law. Volume **I,** section **394.**

The credentials of a Senate-elect being regular and unimpeached and the election having been by the one legally organized legislature the Senate seated the bearer at once, although charges were filed against him personally. Volume **I,** section **552.**

The Senate gave immediate prima facie effect to perfect credentials certifying election by a legally organized legislature, although it was objected that popular will had been subverted in electing the legislators. Volume **I,** section **359.**

A Senate committee's discussion of the functions of credentials in the organization of a legislature. Volume **I,** section **631.**

References to elections of Representatives in new States wherein no legislation had fixed the time, place, and manner. Volume **I,** section **520.**

An election to fill a vacancy, called by the governor in pursuance of constitutionally authority, was held valid, although no State law prescribed time, place, or manner of such election. Volume **I,** section **517.**

The question of the competency of the electing legislature as an inherent part of prima facie showing discussed by the Senate. Volume **I,** section **342.**

Discussion in the Senate as to whether or not the competency of the electing body is a question of determining importance in considering the prima facie effect of credentials. Volume **I,** section **348.**

ELECTIONS OF REPRESENTATIVES—Continued.

(411) Times, Places, Manner.—State Legislatures and Constitutions—Continued.

Discussion of the respective powers of Congress and the States in fixing the times, places, and manner of elections. Volume **I,** sections **311, 313.**

Certain States, by special exception, elect their Members on a day other than the day fixed generally by Federal statute. Volume **I,** section **508.**

(412) Times, Places, Manner.—Elections to Fill Vacancies.

The executive of a State issues writs of election to fill vacancies in its representation in the House. Volume **I,** section **515.**

Examination of the term "vacancy" as used in the Federal Constitution to empower a State executive to issue writs for an election. Volume **I,** section **518.**

Discussion of power of a State executive to call an election to fill a vacancy, although the State law did not provide for the contingency. Volume **I,** section **518.**

A Federal law empowers the States and Territories to provide by law the times of elections to fill vacancies in the House. Volume **I,** section **516.**

Discussion as to the functions of a governor in calling an election to fill a vacancy in the Congressional representation. Volume **I,** section **312.**

The House does not consider itself necessarily bound by the construction which a State court puts on the State law regulating times, places, manner, etc. Volume **II,** section **959.**

(413) Times, Places, Manner.—State Construction of State Law.

Discussion of the force to be given by the House to a construction by the proper State officials of a State law fixing the time for electing Congressmen. Volume **I,** section **525.**

A question as to the authority of a construction of law by State officials and people in a case relating to time of electing Congressmen. Volume **I,** section **524.**

An argument that an election held under an unconstitutional State law might yet be considered by the House as an election de facto. Volume **II,** section **1071.**

A new State constitution being recognized by State authorities and by congress in the reception of Representatives, the House will not question it in an election case. Volume **II,** section **870.**

An argument that under certain conditions the House might be justified in overruling a State court's decision that a State election law is constitutional. Volume **II,** section **1071.**

Discussion of the claim that a law practically disfranchising the ignorant in certain portions only of a State violated a constitutional provision that "elections shall be free and equal." Volume **II,** section **1133.**

Where the validity of a State's election system was questioned, the House merely declared contestant not elected and did not declare sitting Member entitled to the seat. Volume **II,** section **1135.**

Although a State Law prescribed a qualification obnoxious to the State constitution, the House held the law constitutional in deference to the decision of the State court. Volume **II,** section **1051.**

Discussion of the claim that a ballot law practically disfranchising the ignorant established an unconstitutional qualification. Volume **II,** section **1133.**

The decision of a board of canvassers as to the legality of votes, made in pursuant of State law, is regarded as prima facie correct. Volume **II,** section **887.**

The State law requiring rejection of ballots not marked with initials of election officers, the House overruled the election officers who had continued such ballots. Volume **II,** section **1056.**

The State law requiring rejection of the vote in the case of voters assisted in marking ballots without marking an affidavit of disability, the House overruled the election officers who counted such ballots. Volume **II,** section **1056.**

ELECTIONS OF REPRESENTATIVES—Continued.

(414) Times, Places, Manner.—Questions as to Legal Day as Affecting Final Right.

The fact that a large portion of the electors fail to participate does not invalidate an election held on the legal day. Volume **I,** section **524.**

An election of Congressmen not called or sanctioned by State officers, and participated in by a fraction merely of the people, would not be valid even though held on the legal day. Volume **I,** section **525.**

The House seated a claimant elected on what it decided to be the legal day. Volume **I,** section **522.**

A claimant who received a small vote not officially canvassed or declared, but cast on the legal day, was preferred to one receiving a far larger vote on a day not the legal one. Volume **I,** section **524.**

Votes cast on a legal election day were held valid by the House, although the State official had withdrawn his proclamation calling the election for that day. Volume **I,** section **524.**

There being rival claimants to a seat elected on days different, but each constitutionally fixed, the House declared the seat vacant. Volume **I,** section **518.**

The House seated a person elected according to the essential requirements of law, except that the time of the election was fixed by proclamation of a military governor. Volume **I,** section **379.**

A question as to whether or not a State might make the time of election of Congressmen contingent on the time of the State election. Volume **I,** section **522.**

Because a county was not legally organized and the election was not held on the legal day, and nonresidents voted, the entire vote of the county was rejected by the committee. Volume **I,** section **616.**

(415) Times, Places, Manner.—Questions as to Legal Day as Affecting Prima Facie Right.

Members-elect from Tennessee were seated in 1871 on prima facie showing, although there was a question as to whether or not the day of their election was the legal day. Volume **I,** section **521.**

In 1871 the Clerk enrolled the Tennessee delegation, although their credentials were at marked variance with the usual form and there appeared a question as to the time of holding the election. Volume **I,** section **33.**

In 1877 the Clerk disregarded credentials issued by the governor of Colorado in due form, holding that they showed the election to have been held on a day unauthorized by law. Volume **I,** section **42.**

In 1879 the Clerk honored the regular credentials from the governor of Iowa, although papers presented in opposition thereto raised a doubt as to the lawful day of election. Volume **I,** section **50.**

The House honored credentials regular in form but impeached by a document alleging that the election was not held on the day provided by law. Volume **I,** section **540.**

The credentials from West Virginia in 1873 showed a doubt as to the true day of election, so the Clerk enrolled only one Member-elect who was indisputably elected on each day. Volume **I,** section **36.**

The Clerk declined to enroll the bearer of credentials regular in form but showing an election at a time apparently not that fixed by law. Volume **I,** section **523.**

The House declined to give prima facie effect to credentials perfect in form, but referring to an election on a day of doubtful legality. Volume **I,** section **523.**

(416) Times, Places, Manner.—The Polling Places.

No wrong or injury being shown, polling places established without entire adherence to the law were approved. Volume **II,** section **994.**

The holding of an election in a place other than the legal place does not cause rejection of the poll when evidence shows that no voter was deprived of his right thereby. Volume **I,** section **584.**

ELECTIONS OF REPRESENTATIVES—Continued.

(416) Times, Places, Manner.—The Polling Places—Continued.

Change of the place of an election may cause such confusion as to defeat the popular will. Volume **II,** section **974.**

Illegal change of a polling place on election day, taken in connection with other evidence of fraud, was deemed sufficient cause for rejecting the entire vote of the precinct. Volume **VI,** section **75.**

Delay in opening the polls at the time fixed by law, where unattended by evidence of fraud, does not justify rejection of the vote. Volume **VI,** section **75.**

A voting place fixed by competent authority being changed without competent authority, the votes cast there were rejected. Volume **I,** section **838.**

When an election is moved from the prescribed place to another should the poll be rejected or corrected with reference to the voters who did not attend? Volume **II,** section **1058.**

Discussion as to counting votes cast at an election adjourned by the officers, for fear of outrange, from the legal place to another. Volume **II,** section **1038.**

A poll unauthorized by law taken at a place different from the legally appointed place under control of partisan officers was rejected. Volume **II,** section **924.**

An informal poll held by one election officer instead of three and irregularly conducted was rejected. Volume **II,** section **1015.**

Discussion as to the disposition of rival polls caused by a division among election officers. Volume **II,** section **1105.**

Returns made by volunteer officers at "outside polls" of votes cast by persons of unknown qualifications were rejected. Volume **II,** section **894.**

Votes received at an outside poll by a United States commissioner and confirmed by evidence of the voters themselves were counted by the House. Volume **II,** section **1026.**

An outside poll informally held and rejected by State canvassers may under certain circumstances be counted by the House. Volume **II,** section **1031.**

Discussion as to the counting of ballots cast at outside polls by voters fraudulently prevented from voting at the regular polls. Volume **II,** section **1038.**

Discussion as to the validity of outside polls. Volume **II,** section **1105.**

A declination of members of one political party to participate at an improvised poll legally conducted does not vitiate the vote cast. Volume **II,** section **1126.**

Discussion as to counting votes which would have been cast had there not been a failure to open the polls. Volume **II,** section **1019.**

Where a true expression of the intention of qualified voters is had at an improvised poll, the votes will be counted by the House. Volume **II,** section **1074.**

Returns from a precinct not by a law a part of the district were rejected. Volume **I,** section **840.**

On a question of residence qualification of voters ward lines in cities should be shown by record evidence of boundaries. Volume **II,** section **1021.**

Where polls are not opened, even on frivolous excuses, it is difficult to correct the wrong. Volume **II,** section **1094.**

The abolition of certain polling places, whereby it was rendered impossible for many voters to cast their ballots, was held not to justify the addition of votes to the returns of the candidates injured thereby. Volume **I,** section **626.**

With no proof to show what the vote might have been, the House did not attempt to rectify the wrong caused by failure of election officers to open polls. Volume **II,** section **1023.**

The law forbidding a voter to reenter the polling booth, may one who failed in attempting to vote return to effect the object? Volume **I,** section **576.**

A vote being given viva voce at an election for Congressman, the voter may not afterwards change it or vote for additional officers. Volume **I,** section **781.**

An election to fill a vacancy being held in a newly apportioned district, the larger portion of which was new both as to territory and people, the Elections Committee considered the election invalid. Volume **I,** section **327.**

ELECTIONS OF REPRESENTATIVES—Continued.

(416) Times, Places, Manner.—The Polling Places—Continued.

The House declined to admit a claimant on the vote of 3 out of 7 parishes, 19,078 out of 27,019 votes having been rejected. Volume **I,** section **327.**

Although the State constitution required that every vote be given viva voce, the Elections Committee, in a report which failed, evidently for other reasons, to be sustained, decided that the votes of certain mutes might be counted. Volume **I,** section **54.**

The holder of credentials in due form, whose prima facie title is not contested, may not take the seat if a question exists as to the competency of the constituency. Volume **I,** section **375.**

A Territorial legislature of impeached status having by law virtually disfranchised qualified voters, the Elections Committee considered the status of the returned Delegate adversely affected. Volume **I,** section **827.**

Where voters of one party are compelled to remain away from the polls to thwart organized fraud the other party is not permitted to avail himself of votes proven aliunde after returns are rejected. Volume **II,** section **1115.**

(417) Times, Places, Manner.—Irregularities as to Election Districts.

The State law requiring the voters to vote in the precinct in which they reside, the House insists on absolute and technical adherence thereto. Volume **II,** section **1044.**

An election district being established illegally, but all parties participating in the election in good faith, is considered as having a de facto existence. Volume **II,** section **893.**

A neglect of the law prescribing the boundaries of voting districts being sanctioned by eighteen elections, the House refused to reject the returns therefrom. Volume **II,** section **866.**

A tainted vote from an illegally organized county was rejected. Volume **I,** section **840.**

Votes cast at precincts having no legal existence at the time of the election were thrown out by the House. Volume **I,** section **542.**

A doubt as to whether or not an election precinct existed or had been abolished did not vitiate a vote duly cast and returned. Volume **II,** section **895.**

County commissioners having established election districts at a special meeting when the law specified a stated meeting the action was void. Volume **II,** section **911.**

An election is not vitiated by unavoidable delay beyond the legal limit in arranging voting districts. Volume **II,** section **1110.**

Returns from a precinct not by law a part of the district were rejected. Volume **I,** section **840.**

The House rejected votes cast at a precinct on an Indian reservation which was by law excluded from the domain of a Territory. Volume **II,** section **889.**

The State legislature having included a county within a Congressional district the House did not examine whether or not it was technically entitled to be so included. Volume **II,** section **911.**

The election district having been illegally constituted the votes cast therein were rejected. Volume **II,** section **911.**

No wrong or injury being shown, polling places established without entire adherence to the law were approved. Volume **II,** section **994.**

It having been assumed for many years that a Territory was included within a precinct, voters should not be disfranchised by discovery of a technical defect. Volume **II,** section **1021.**

(417) Times, Places, Manner.—Mandatory and Directory Laws.

Statement of the true doctrine as to construction of election laws as mandatory or directory. Volume **II,** section **959.**

Differentiation between mandatory election laws and election laws merely directory. Volume **VI,** section **147.**

Discussion of the distinction between directory and mandatory election laws. Volume **II,** section **1078.** Volume **VI,** sections **88, 95, 113, 147.**

ELECTIONS OF REPRESENTATIVES—Continued.

(418) Times, Places, Manner.—Mandatory and Directory Laws—Continued.

Discussion as to whether or not a law was directory or mandatory. Volume **II,** section **916.**

The Elections Committee felt bound to follow a State law as it stood, although inadequate to secure honesty from election officers. Volume **I,** section **967.**

Discussion of mandatory and directory law as related to the sets of voters and election officers. Volume **I,** section **939.**

Discussion of directory and mandatory laws as related to irregularities in conduct of elections. Volume **I,** section **807.**

Instance wherein a law providing method of establishing polling places was construed as directory rather than mandatory. Volume **II,** section **994.**

The removal of the poll from the place prescribed by law was a violation of a mandatory provision justifying its rejection. Volume **II,** section **926.**

Question as to whether or not a law requiring returns to be transmitted sealed should be considered mandatory or directory. Volume **II,** section **922.**

Discussion of directory and mandatory requirements of law as applied to the ballot and in relation to the rights of the voter. Volume **II,** section **1016.**

Discussion as to the mandatory or directory nature of a law providing that a ballot prepared in a certain way, and no other, shall be used. Volume **II,** section **1095.**

As to the mandatory or directory nature of a law requiring nonregistered voters to file affidavits when they vote. Volume **II,** section **1041.**

It was held under the old ballot laws that a State statute as to form of ballot should not be considered mandatory so as to cause rejection of a vote wherein the intention of the voter is manifest. Volume **I,** section **577.**

A State law requiring two ballot boxes to be kept at each polling place was construed by the House as directory only, and in the absence of fraud a neglect of the provision did not nullify the election. Volume **I,** section **456.**

Discussion of a registration law as mandatory or directory. Volume **II,** section **1002.**

An election law failing to indicate clearly that a compliance with its provisions is essential to the validity of the election is directory and not mandatory. Volume **VI,** section **81.**

Violations of laws merely directory, as failure to comply with technical requirements within time specified, while subject to extreme penalties, may be disregarded by the House under extenuating circumstances. Volume **VI,** section **94.**

While the failure to observe statutes merely directory is not necessarily fatal, it is the duty of election officers to observe rigidly the directory as well as the mandatory requirements of the election laws. Volume **VI,** section **81.**

Participation of relatives of a contestant as election officers was not held fatal to the return, although the State constitution might seem to imply a prohibition of such participation. Volume **I,** section **778.**

It was held under the old ballot laws that a "paster" which covered the designation of the office should not work rejection of the vote, although a State law so provided. Volume **I,** section **577.**

No fraud or harm being shown, the House, following the spirit of a decision of the State court, declined to reject ballots irregularly printed, although the law seemed mandatory. Volume **II,** section **1070.**

(419) Times, Places, Manner.—In Territories.

Territorial laws fix the times, places, and manner of the election of Delegates. Volume **I,** section **509.**

When the organic law requires an act of the legislature to fix the times, etc., of a Territorial election an election called by the governor is not valid. Volume **I,** section **827.**

The House, overruling its committee, declined to unseat a returned Delegate because in calling the election the governor had exercised doubtful authority. Volume **I,** section **766.**

Failure of a Territorial legislature to prescribed specially time, place, and manner of electing a Delegate did not invalidate an election actually held. Volume **I,** section **526.**

ELECTIONS OF REPRESENTATIVES—Continued.

(419) Times, Places, Manner.—In Territories—Continued.

Instance in the absence of specific law of an election of a Delegate on rules based on analogy to the law providing for election of other Territorial officers. Volume **I,** section **527.**

The House declined to reverse its conclusion that a Delegate elected in pursuance of a law enacted by an illegally constituted legislature should not retain his seat. Volume **I,** section **827.**

A Territorial legislature being chosen under duress of armed invaders, the House unseated the Delegate chosen under a law passed by that legislature. Volume **I,** section **826.**

The office of Delegate was created by ordinance of the Continental Congress. Volume **I,** section **421.**

Discussion of the nature of the office of Delegate. Volume **I,** section **826.**

A Delegate is elected by a plurality of votes and the governor is required to declare the election, in accordance with which a certificate is to be given. Volume **II,** section **1290.**

In 1794 the Delegate seated by the House was elected by the legislature of the Territory and not by the people. Volume **I,** section **400.**

The House seated a loyal claimant voted for at an election called on the legal day but by the governor of a State in secession. Volume **I,** section **365.**

The statutes specify the qualifications of the electors of Delegates. Volume **II,** section **1290.**

The House decided that it might investigate all matters pertaining to the election of a Delegate, including the constitution of the legislature which provided for the election. Volume **I,** section **826.**

Where a true expression of the intention of qualified voters is had at an improvised poll the votes will be counted by the House. Volume **II,** section **1074.**

(420) Times, Places, Manner.—In General.

References to elections of Representatives in new States wherein no legislation had fixed the time, place, and manner. Volume **I,** section **520.**

The election for Congressman, being lawfully held, is not vitiated by another election on a local matter held unlawfully at the same place. Volume **II,** section **1085.**

As to the use of a voting machine in one city of a district. Volume **II,** section **1107.**

(421) Cases by States.—Alabama.

Forty-second Congress.—Norris v. Handley. Volume **II,** section **887.**

Forty-third Congress.—Sykes v. Spencer. Volume **I,** sections **342–344.**

Forty-fourth Congress.—Bromberg v. Haralson. Volume **II,** sections **905–907.**

Forty-seventh Congress.—Jones v. Shelley. Volume **I,** section **714.**

Forty-seventh Congress.—Lowe v. Wheeler. Volume **II,** sections **961–964.**

Forty-seventh Congress.—Mabson v. Oates. Volume **I,** section **725.**

Forty-seventh Congress.—Smith v. Shelley. Volume **II,** section **965.**

Forty-seventh Congress.—Strobach v. Herbert. Volume **II,** sections **966, 967.**

Forty-eight Congress.—Craig v. Shelley. Volume **II,** section **995.**

Fiftieth Congress.—McDuffie v. Davidson. Volume **II,** sections **1007, 1008.**

Fifty-first Congress.—McDuffie v. Turpin. Volume **II,** sections **1030, 1031.**

Fifty-first Congress.—Threet v. Clark. Volume **II,** section **1025.**

Fifty-second Congress.—McDuffie v. Turpin. Volume **II,** section **1043.**

Fifty-third Congress.—Whatley v. Cobb. Volume **II,** section **1046.**

Fifty-fourth Congress.—Aldrich v. Robbins. Volume **II,** sections **1064, 1065.**

Fifty-fourth Congress.—Aldrich v. Underwood, Volume **II,** sections **1091–1094.**

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Fifty-fourth Congress.—Robinson v. Harrison. Volume **II,** section **1088.**

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Fifty-fifth Congress.—Clark v. Stallings. Volume **I,** section **747.**

Fifty-fifth Congress.—Comer v. Clayton. Volume **I,** section **745.**

Fifty-fifth Congress.—Crowe v. Underwood. Volume **II,** section **1101.**

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(421) Cases by States.—Alabama—Continued.

Fifty-sixth Congress.—Aldrich v. Robbins. Volume **II,** sections **1115, 1116.**
Fifty-seventh Congress.—Spears v. Burnett. Volume **II,** section **1119.**
Sixty-seventh Congress.—Kennamer v. Rainey. Volume **VI,** section **153.**
Seventy-second Congress.—Senate election case of Heflin v. Bankhead. Volume **VI,** section **188.**

(422) Cases by States.—Arkansas.

Seventeenth Congress.—Lyon v. Bates. Volume **I,** section **749.**
Twenty-ninth Congress.—Archibald Yell. Volume **I,** section **488.**
Twenty-ninth Congress.—Newton and Yell. Volume **I,** section **572.**
Twenty-ninth Congress.—Thomas W. Newton. Volume **I,** section **489.**
Thirty-eighth Congress.—Johnson, Jacks, and Rogers. Volume **I,** section **380.**
Forty-second Congress.—Boles v. Edwards. Volume **I,** sections **605–608.**
Forty-third Congress.—Bell v. Snyder. Volume **II,** section **900.**
Forty-third Congress.—Bradley v. Hynes. Volume **II,** section **901.**
Forty-third Congress.—Gause v. Hodges. Volume **II,** sections **892–784.**
Forty-third Congress.—Gunter v. Wilshire. Volume **I,** section **37.**
Forty-sixth Congress.—Bradley v. Slemonds. Volume **II,** sections **936–938.**
Fifty-first Congress.—Clayton v. Breckinridge. Volume **II,** sections **1018, 1019.**
Fifty-first Congress.—Featherstone v. Cate. Volume **II,** sections **1022–1024.**

(423) Cases by States.—California.

Thirty-first Congress.—Gilbert and Wright. Volume **I,** section **520.**
Thirty-seventh Congress.—F.F. Lowe. Volume **I,** section **314.**
Forty-fifth Congress.—Wigginton v. Pacheco. Volume **II,** sections **927–930.**
Forty-ninth Congress.—California Members. Volume **I,** section **645.**
Fiftieth Congress.—Lynch v. Vandever. Volume **II,** section **1012.**
Fiftieth Congress.—Sullivan v. Felton. Volume **II,** sections **1016, 1017.**
Fifty-third Congress.—English v. Hilborn. Volume **II,** section **1050.**
Fifty-eighth Congress.—Kahn v. Livernash. Volume **I,** section **731.**

(424) Cases by States.—Colorado.

Fortieth Congress.—Hunt and Chilcott. Volume **I,** section **599.**
Forty-fifth Congress.—Patterson and Belford. Volume **I,** sections **523, 524.**
Fifty-fourth Congress.—Pearce v. Bell. Volume **II,** section **1073.**
Fifty-eighth Congress.—Bonyage v. Shafroth. Volume **I,** section **742.**

(425) Cases by States.—Connecticut.

Sixty-second Congress.—Jodoin v. Higgins. Volume **VI,** section **90.**
Sixty-fourth Congress.—Donovan v. Hill. Volume **VI,** section **140.**

(426) Cases by States.—Delaware.

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Fifty-fifth Congress.—Willis v. Handy. Volume **I,** section **748.**
Sixty-second Congress.—Senate election case of Henry A. du Pont. Volume **VI,** section **129.**

(427) Cases by States.—Florida

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Twenty-niinth Congress.—Brockenbrough v. Cabell. Volume **I,** section **812.**
Forty-second Congress.—Niblack v. Walls. Volume **II,** sections **890, 891.**
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Forty-sixth Congress.—Bisbee v. Hull. Volume **II,** section **952.**
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(427) Cases by States.—Florida—Continued.
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(428) Cases by States.—Georgia.
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Forty-first Congress.—Georgia Members. Volume **I,** section **388.**
Forty-third Congress.—Sloan v. Rawls. Volume **II,** sections **895–897.**
Fifty-third Congress.—Watson v. Black. Volume **II,** sections **1054, 1055.**
Fifty-fourth Congress.—Felton v. Maddox. Volume **II,** sections **1084, 1085.**
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(429) Cases by States.—Idaho.
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(430) Cases by States.—Illinois.
Twenty-ninth Congress.—Edward D. Baker. Volume **I,** section **488.**
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Thirty-fourth Congress.—Turney v. Marshall, and Fouke v. Trumbull. Volume **I,** section **415.**
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(431) Cases by States.—Indiana.
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(431) Cases by States.—Indiana.—Continued.

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(432) Cases by States.—Iowa.

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(433) Cases by States.—Kansas.

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(434) Cases by States.—Kentucky.

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(435) Cases by States.—Louisiana.
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(436) Cases by States.—Maine.
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(437) Cases by States.—Maryland.
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(438) Cases by States.—Massachusetts.
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(438) Cases by States—Massachusetts—Continued.

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(439) Cases by States.—Michigan.

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(440) Cases by States.—Minnesota.

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(441) Cases by States.—Mississippi.

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(442) Cases by States.—Missouri.

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(442) Cases by States.—Missouri—Continued.

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(443) Cases by States.—Montana.

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(444) Cases by States.—Nebraska.

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Thirty-fifth Congress.—Chapman v. Feguson. Volume **I,** section **834.**
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Thirty-seventh Congress.—Morton v. Dailey. Volume **I,** sections **615–619, 687.**

(445) Cases by States.—New Hampshire.

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Thirty-first Congress.—Perkins v. Morrison. Volume **I,** section **311.**

(446) Cases by States.—New Jersey.

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Twenty-sixth Congress.—"Broad Seal Case." Volume **I,** sections **791–802.**
Twenty-ninth Congress.—Farlee v. Runk. Volume **I,** section **813.**

(447) Cases by States.—New Mexico.

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(448) Cases by States.—New York.

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(448) Cases by States.—New York—Continued.

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Sixty-eighth Congress.—Frank v. LaGuardia. Volume **VI,** section **164.**
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(449) Cases by States.—North Carolina.

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(450) Cases by States.—North Dakota.

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(451) Cases by States.—Ohio

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(454) Cases by States.—Pennsylvania.
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(455) Cases by States.—Rhode Island.
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(456) Cases by States.—South Carolina.
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(456) Cases by States.—South Carolina—Continued.

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(456) Cases by States.—Utah.
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(461) Cases by States.—Virginia—Continued.

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(465) Cases From the Territories.—Alaska.

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(466) Cases From the Territories.—Dakota.

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ELECTIONS OF SENATORS.

(1) Primaries.
(2) Time and manner of holding.
(3) Bribery.
(4) Credentials.—Given prima facie effect.
(5) Credentials.—Not given prima facie effect.
(6) Credentials.—Conflicting.
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(10) Oaths, administration of.
(11) Contests.—Institution of.
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(16) Contests.—Res adjudicate, reopening, etc.
(17) Contests.—In general.
(18) Qualifications.—Constitutional.
(19) Qualifications.—In general.
(20) Proceedings of State legislatures.
(21) Appointments by State executives.
(22) Resignations and vacancies.
(23) Various Senate cases.
(24) In general.

(1) Primaries.

In absence of evidence the Senate declined to investigate charge of improper registration. Volume **VI,** section **82.**

Under instructions from the Senate to investigate and report whether corrupt methods were employed in election of a Senator, the committee investigated expenditures in the primary campaign. Volume **VI,** section **83.**

Prior to the adoption of the seventeenth amendment to the Constitution the primary was no part of the election of a United States Senator. Volume **VI,** section **84.**

Discussion of effect upon election of Senator of corrupt practices in the primary, and as to whether practice of corrupt methods in primary campaign warrant invalidation of election. Volume **VI,** section **85.**

ELECTIONS OF SENATORS—Continued.

(1) Primaries—Continued.

The Senate recognizes the power of the party or the State to provide regulations governing party primaries. Volume **VI,** section **165.**

Instance wherein the Senate condemned the excessive use of money in a primary election. Volume **VI,** section **180.**

An investigation disclosing no evidences of bribery, the failure of a candidate to comply with a State statute in the itemization of expenditures in a primary, was held to be a matter for the consideration of the State authorities in determining whether his name should be placed on the ballot and whether, after election, a certificate of election should be issued, and not pertinent to the determination of an election contest in the Senate. Volume **VI,** section **188b.**

(2) Time and Manner of Holding.

Construction of the law specifying the time when a legislature shall proceed to the election of a Senator. Volume **I,** section **392.**

A legislature is not precluded from its constitutional power to elect a Senator by the fact that it may not do so on the date fixed by law. Volume **II,** section **955.**

A Federal law fixes the time of election of United States Senators. Volume **VI,** section **66.**

Reference to Federal statute fixing times and manner of elections of Senators (footnote). Volume **I,** section **510.**

(3) Bribery.

Discussion of the effect of the participation of the candidate himself in bribery and its relation to the amount and the proven effect. Volume **II,** section **1279.**

A Senator-elect took the oath on his prima facie right without challenge, although charges of bribery in his election were presented immediately thereafter. Volume **I,** section **692.**

The allegation of mere rumors of bribery is not sufficient to cause the Senate to investigate the election of a Senator. Volume **II,** section **955.**

Mere rumors of bribery in election of Senator unsupported by evidence do not warrant investigation by the Senate. Volume **VI,** section **87.**

A memorial having set forth specifically charges of bribery, and specified evidence in support thereof, the Senate decided to examine a Senator's title to his seat. Volume **I,** section **692.**

Discussion as to the extent to which probable cause should be shown to justify the Senate in investigating charges that an election had been procured by bribery. Volume **I,** section **691.**

Under its constitutional right to judge elections, returns, and qualifications, the Senate may inquire into the personal fitness of a man elected by a State; the manner of his election; and whether votes cast for him by members of the legislature were procured through bribery; but may not inquire into the personal character of the legislators themselves. Volume **VI,** section **105.**

The Senate declined, on vague and indefinite charges of corruption, to investigate the election of a duly returned Member. Volume **I,** section **688.**

The election of a Senator being thoroughly tainted with bribery, the Senate was proceeding to unseat him when he resigned. Volume **II,** section **1279.**

The committee recommended that a Senator's election be declared void, enough bribery being shown to have affected the result. Volume **I,** section **693.**

No personal participation in bribery being shown, a Senator should be unseated only on proof that enough votes for him have been influenced corruptly to decide the election. Volume **I,** section **691.**

In order to invalidate election of Senator on charge of bribery, it must be shown: (1) That the person elected participated in the bribery or sanctioned it. (2) That by such bribery enough votes were obtained to change the result of the election. Volume **VI,** section **104.**

Bribery enough to affect the result not being shown, and the Member not being personally implicated, the Senate did not disturb his tenure. Volume **I,** section **690.**

ELECTIONS OF SENATORS—Continued.

(3) Bribery—Continued.

Bribery sufficient to change the result of the election not being shown and no personal participation in corrupt practices being proved, the Senate declined to invalidate the election. Volume **VI,** section **105.**

An investigation disclosing no evidences of bribery, the failure of a candidate to comply with a State statute in the itemization of expenditures in a primary, was held to be a matter for the consideration of the State authorities in determining whether his name should be placed on the ballot and whether, after election, a certificate of election should be issued, and not pertinent to the determination of an election contest in the Senate. Volume **VI,** section **188b.**

The evidence being insufficient to show that the election of a Senator was effected by corrupt means, the Judiciary Committee asked to be discharged from consideration of the case. Volume **I,** section **689.**

(4) Credentials.—Given Prima Facie Effect.

Instance wherein the Senate gave immediate prima facie effect to credentials from a de facto government in a State disturbed by civil war. Volume **I,** section **383.**

Instance wherein the Senate gave immediate prima facie effect to informal credentials, although other claimants presented credentials technically conforming to law. Volume **I,** section **389.**

Instance wherein immediate prima facie effect was given to credentials of a Senator-elect from a reconstructed State. Volume **I,** section **390.**

In the Senate, in 1857, credentials regular in form were honored, although a memorial from the State legislature impeached the election of the bearer. Volume **I,** section **543.**

The Senate gave immediate prima facie effect to regular credentials, although a memorial impeached the regularity and legality of the election. Volume **I,** section **551.**

The Senate gave immediate prima facie effect to credentials regular in form, although a contestant presented irregular credentials. Volume **I,** section **633.**

The Senate gave immediate prima facie effect to perfect credentials certifying election by a legally organized legislature, although it was objected that popular will have been subverted in electing the legislators. Volume **I,** section **359.**

The Senate gave immediate prima facie effect to credentials regular in form but impeached by a memorial and historical facts relating to rival legislatures. Volume **I,** section **342.**

Discussion in the Senate as to whether or not the competency of the electing body is a question of determining importance in considering the prima facie effect of credentials. Volume **I,** section **348.**

The credentials of a Senator-elect being regular and there being no contest, the Senate seated the bearer on prima facie showing, although credentials and Senate records indicated that he had been elected in advance of time prescribed by law. Volume **VI,** section **88.**

(5) Credentials.—Not Given Prima Facie Effect.

The Senate declined to give prima facie effect to credentials regular in form but from a State known to be kept from the duress of an armed foe only by a partial military protection. Volume **I,** section **382.**

The Senate declined to give prima facie effect to credentials impeached by charges that a State was not fulfilling in good faith the conditions of reconstruction. Volume **I,** section **391.**

The Senate declined to give immediate prima facie effect to regular credentials, impeached by a memorial alleging irregularities in constitution of the State legislature and suggesting personal disqualifications of the bearer. Volume **I,** section **393.**

The Senate declined to seat the bearer of credentials signed by a person exercising the authority of governor, it being objected that the signer was an usurper and that there was no election by a valid legislature. Volume **I,** section **352.**

The Senate declined to give immediate prima facie effect to credentials regular in form but from a State where there were rival claimants to the governorship and rival legislatures, Volume **I,** section **354.**

ELECTIONS OF SENATORS—Continued.

(5) Credentials.—Not Given Prima Facie Effect—Continued.

The Senate failed to follow its committee in giving prima facie effect to regular credentials impeached by allegations that the legislature had been elected in violation of the provisions of Federal law. Volume **I,** section **394.**

(6) Credentials.—Conflicting.

Conflicting credentials, each regular in form, being presented in the Senate at different times, those first issued and first presented were honored, after the circumstances had been examined. Volume **I,** section **627.**

Conflicting credentials being presented and a question of law appearing, the Senate swore in neither contestant until after examination by a committee. Volume **I,** section **395.**

Before its committee had reported on conflicting credentials the Senate took one set of credentials from the committee and seated claimant whose prima facie and final right and personal conduct were assailed. Volume **I,** section **628.**

There being conflicting credentials from rival claimants to the office of governor, the Senate referred the papers before considering the question of swearing in either claimant to the seat. Volume **I,** section **347.**

There being two conflicting credentials the Senate declined to give immediate prima facie effect to either, although the electing and certifying government behind one has been swept away by force. Volume **I,** section **355.**

There being conflicting credentials arising from a question as to the legality of election and an allegation of disqualification, the Senate determined final right before either claimant was seated. Volume **I,** section **632.**

There being conflicting credentials resulting from elections by revival legislative bodies, the Senate declined to give prima facie effect to the papers and examined the final right. Volume **I,** section **358.**

There being rival claimants bearing credentials from rival executives and chosen by rival legislatures, the Senate did not give prima facie effect to either credentials. Volume **I,** section **345.**

(7) Credentials.—Form of.

Federal law directs the issuance and prescribes the *form* of credentials of Senators-elect. Volume **I,** section **549.**

Discussion as to the required form for Senate credentials under the law. Volume **I,** section **352.**

The Senate decided that a person presenting credentials in due form should be sworn in, although a question had been raised as to his election. Volume **I,** section **545.**

In the Senate, in 1857, credentials regular in form were honored, although a memorial from the Senate legislature impeached the election of the bearer. Volume **I,** section **543.**

The credentials of a Senator-elect being regular and unimpeached and the election having been by the one legally organized legislature, the Senate seated the bearer at once, although charges were filed against him personally. Volume **I,** section **552.**

In reconstruction days the Senate deemed valid credentials signed by a provisional military governor. Volume **I,** section **430.**

In a case wherein a governor declined to sign the credentials of a Senator-elect the Senate admitted the claimant after examination of final right. Volume **I,** section **353.**

Credentials unusual in form and signed by the Member-elect himself as "Brevet-Major-General" and "Provisional Governor;" of Mississippi, were honored by the Senate. Volume **I,** section **438.**

A Senator-elect whose credentials were not in regular form was seated, the irregular portions being considered as surplusage. Volume **I,** section **594.**

Credentials signed by a governor certifying to his own election as Senator were received by the Senator without question. Volume **I,** section **573.**

ELECTIONS OF SENATORS—Continued.

(8) Credentials.—Withdrawal of.

Instance wherein an unsuccessful contestant for a seat in the Senate was permitted to withdraw his credentials. Volume **I,** section **352.**

The Senate, after debate, allowed a claimant to a seat to withdraw his credentials. Volume **I,** section **63.**

(9) Credentials.—In General.

The Senate does not consider questions arising on he credentials until the beginning of the term to which they refer (footnote). Volume **I,** section **652.**

In 1862, before the enactment of the test oath for loyalty, the Senate, after mature consideration, declined to exclude for alleged disloyalty Benjamin Stark, whose credentials were unimpeached. Volume **I,** section **443.**

In 1866 a Senator having stated in his place that the loyalty of a Senator-elect was doubtful, the credentials were referred to a committee before the oath was taken. Volume **I,** section **453.**

Instance wherein a Senator participated in debate on credentials of a claimant for his seat. Volume **I,** section **491.**

A claimant to a seat in the Senate, in a case where there was no contestant and no credentials, petitioned for the seat, exhibiting evidence in support of his claim. Volume **I,** section **563.**

The Senate has entertained no doubt of its right to look behind the credentials given by a governor to the facts of the election. Volume **V,** section **5963.**

There being a question as to a vacancy to be filled, the Senate examined the case before administering the oath to a bearer of regular credentials. Volume **I,** section **573.**

The Senate tabled a motion to receive a telegram relating to credentials of a claimant to a seat. Volume **I,** section **347.**

Although the fact of election was unquestioned, a Senator-elect delayed attendance until credentials were received. Volume **VI,** section **157.**

Instance wherein the Senate, overruling the recommendations of its committee, seated a Senator designate whose credentials the committee had reported to be invalid. Volume **VI,** section **173.**

(10) Oaths, Administration of.

A Senator elect, challenged as he was about to take the oath, stood aside upon the suggestion of the Vice President. Volume **VI,** section **180.**

A Senator-elect was permitted to take the oath, although his credentials were irregular in minor particulars. Volume **I,** section **595.**

A Senator-elect took the oath on his prima facie right without challenge, although charges of bribery in his election were presented immediately thereafter. Volume **I,** section **692.**

In 1867 the Senate, upon the statement by a Member that there were rumors affecting the loyalty of Member-elect, referred the credentials before permitting the oath to be taken. Volume **I,** sections **457, 458.**

The Senate investigated the sanity of a Senator-elect before allowing him to take the oath. Volume **I,** section **441.**

An instance wherein the Senate declined to permit the oath to be administered to a Senator-elect pending the examination of his qualifications. Volume **VI,** section **180.**

(11) Contests—Institution of.

A memorial to justify an investigation of the title of a Senator to his seat should state the charges and indicate with certainty the character of the evidence. Volume **I,** section **696.**

The Senate decide to investigate the election of one of its Members on the strength of a memorial, formulating specific charges and accompanied by evidence relating thereto. Volume **I,** section **690.**

ELECTIONS OF SENATORS—Continued.

(11) Contests.—Institution of—Continued.

A memorial having set forth specifically charges of bribery and specified evidence in support thereof, the Senate decided to examine a Senator's title to his seat. Volume **I,** section **692.**

Discussion as to the extent to which probable cause should be shown to justify the Senate in investigating charges that an election had been procured by bribery. Volume **I,** section **691.**

Charges made by the bodies of a State legislature were not considered sufficient ground to justify the Senate in investigating the election of one of its members. Volume **I,** section **691.**

On the ground that the memorials and accompanying papers presented no allegations that proof existed to support the charges the Senate declined to investigate the election of a Senator. Volume **I,** section **691.**

The Senate declined, on vague and indefinite charges of corruption, to investigate the election of a duly returned Member. Volume **I,** section **688.** Volume **VI,** section **87.**

Instance of a contest inaugurated in the Senate by petition, and form of petition. Volume **I,** section **629.** Volume **VI,** section **72.**

A memorial having been filed charging conspiracy and excessive expenditure of money in the election of a Senator, the Senate by resolution authorized an investigation. Volume **VI,** section **165.**

Mere rumors of bribery in election of Senator unsupported by evidence do not warrant investigation by the Senate. Volume **VI,** section **87.**

Instance of a contest inaugurated in the Senate by a petition sent to the desk by the contestant and read by the Clerk. Volume **VI,** section **188.**

An election inquiry instituted in the Senate by memorial. Volume **I,** sections **690, 692.** Volume **VI,** section **82.**

Form of resolution authorizing the Committee on Privileges and Elections to hear and determine a contested-election case and certify its conclusions to the Senate. Volume **VI,** section **188.**

Instance wherein a resolution providing for investigation of election of Senator was referred to committee which made no report thereon. Volume **VI,** section **129.**

Instance wherein a special committee was appointed with instructions to investigate and report to the Senate upon the sources and use of a fund alleged to have affected the election of a Senator. Volume **VI,** section **107.**

Instance wherein the Senate appointed, to investigate an election, a special committee made up of members of the Committee on Privileges and Elections. Volume **VI,** section **107.**

Instance of a Senate election case instituted by a memorial. Volume **I,** section **692.**

A claimant to a seat in the Senate in a case where there was no contestant and no credentials petitioned for the seat, exhibiting evidence in support of his claim. Volume **I,** section **563.**

Investigation of the right to a seat in the Senate can only be made by the Senate to which the person whose title is attacked has been elected. Volume **VI,** section **72.**

(12) Contests.—Procedure.

Criticism and discussion as to latitude of inquiry permitted in a committee's investigation of the right of a Senator to his seat. Volume **I,** section **693.**

In a Senate election case, by consent of the parties, testimony taken by Senate and House committees in proceedings to which neither contestant was a party was admitted for what it was worth. Volume **I,** section **356.**

Complaint in the Smoot investigation that the rules of evidence were not adhered to by the Senate committee. Volume **I,** section **481.**

An instance wherein a Senate committee reported in a single resolution their conclusions as to the election cases of claimants from different States. Volume **I,** section **394.**

ELECTIONS OF SENATORS—Continued.

(12) Contests.—Procedure—Continued.

In an election case the Senate considered, so far as applicable, testimony taken by its committee in a former Congress in a matter to which neither contestant was a party. Volume **I,** section **348.**

In determining an election case the Senate has taken notice of the journals of a State legislature. Volume **I,** section **353.**

The Senate has admitted a person elected while the case of another claimant to the seat was yet pending. Volume **I,** section **353.**

(13) Contests.—Privilege of the Floor.

The Senate has declined to permit a contestant to be heard on the floor of the Senate in his own case. Volume **I,** section **392.**

In 1859 the Senate declined to admit claimants of seats to the privileges of the floor. Volume **I,** section **546.**

The right of a Senator elect to take the oath having been denied pending an investigation, the Senate by resolution conferred on him the privilege of appearing on the floor in his own behalf. Volume **VI,** section **180.**

(14) Contests.—Decisions as to.

In passing on an election case the Senate exercises a judicial function, and its decisions must be based upon legal principles and be in accordance with the evidence. Volume **VI,** section **107.**

A decision of the Senate, made after examination of all the facts, as to election of a Senator is judicial in its nature and final, precluding further inquiry. Volume **I,** section **546.**

Discussion of the powers of the Senate under the constitutional authority to judge the elections and returns of its Members. Volume **I,** section **352.**

(15) Contests.—Effect of State Decisions.

Discussion of the authority of a decision of a State court over the determinations of the Senate in judging of the elections of its members. Volume **I,** section **346.**

Discussion as to how far the Senate in considering an election case should follow a decision of a State court as to the competency of the legislature. Volume **I,** section **352.**

Discussion by a Senate committee of the effect in an election case of a decision by a State court construing a provision of the State constitution. Volume **I,** section **630.**

The Senate is judge of the election and qualification of its Members and judgments of State courts while persuasive are not binding. Volume **VI,** section **171.**

A State legislature may not revise a decision of the United States Senate that two persons have been duly elected Senators. Volume **I,** section **546.**

The Senate recognizes no precedents save those established by itself in analogous cases. Volume **VI,** section **109.**

(16) Contests.—Res Adjudicata, Reopening, etc.

The Senate has decided that while discovery of new evidence might cause review of a decision in an election case, it should not for other reasons change a judgment once made. Volume **I,** section **564.**

A former decision by the Senate on a contested election does not preclude reopening the case if additional evidence is discovered. Volume **VI,** section **107.**

Instance wherein the Senate, after investigating an election and declaring it valid, again investigated and reversed its decision. Volume **VI,** section **109.**

Decision by committee that defense of res adjudicata could be invoked against reconsideration of election case once passed upon was rejected by the Senate. Volume **VI,** section **108.**

Report of committee minority declaring that Senate in ordering a second investigation thereby passed upon question of res adjudicata was sustained by the Senate. Volume **VI,** section **109.**

Decision by a committee, acquiesced in by the Senate, that an election case once definitely settled might not be reported. Volume **I,** section **344.**

ELECTIONS OF SENATORS—Continued.

(16) Contests.—Res Adjudicata, Reopening, etc.—Continued.

Discussion in the Senate of the doctors of res adjudicata as applied to an election case. Volume **I,** section **357.**

The majority of the Senate committee contended that the doctrine of res adjudicata did not apply to a decision incident to the credentials and made without full and formal examination of the merits. Volume **I,** section **629.**

A Senate election case having been once decided, an attempt to reopen it failed after a favorable report from a committee and elaborate discussion. Volume **I,** section **357.**

(17) Contests.—In General.

Instance wherein a Senator requested elimination from appropriation bill of item reimbursing him for expenses incurred in defense of his seat. Volume **VI,** section **106.**

The Senate having invalidated the election of a Senator, no action was taken on a proposition to reimburse him for expenses incurred in defense of title to his seat. Volume **VI,** section **109.**

By a letter presented and read to the Senate a contestant withdrew his claim to a seat after the committee had reported in his favor. Volume **I,** section **631.**

Although condemning lavish expenditure of money in procuring election of Senator, the committee found no evidence warranting recommendation that seat be vacated. Volume **VI,** section **84.**

Validity of election of Senator held not to be affected by failure to perform thereafter some act enjoined by State statute. Volume **VI,** section **85.**

Charges that corrupt practices were resorted to in procuring election of Senators being retracted and withdrawn, the Senate did not consider it necessary to order an investigation. Volume **VI,** section **87.**

Discrepancies in returns disclosed by a recount and reported by the committee as insufficient to change the result of the election were not further examined by the Senate. Volume **VI,** section **165.**

Charges that the election of a Senator was secured through corrupt practices, investigated and held not to be sustained by evidence. Volume **VI,** section **106.**

The Senate apparently held the view that Reed Smoot might be deprived of his seat only by the two-thirds vote specified by the Constitution for expulsion. Volume **I,** section **483.**

Reed Smoot's membership in a religious hierarchy that united church and state, contrary to the spirit of the Constitution, was held by the majority of the Senate committee a reason for vacating his seat. Volume **I,** section **482.**

While a majority of the Senate committee agreed that Reed Smoot was not entitled to his seat, they could not decide whether he should be excluded or expelled. Volume **I,** section **482.**

A majority of the Senate committee considered Reed Smoot's membership in a religious hierarchy that countenanced and encouraged polygamy a reason for removing him from the Senate. Volume **I,** section **482.**

Convinced that Reed Smoot had taken an oath of hostility to the nation, a majority of the Senate committee held this a reason for vacating his seat as a Senator. Volume **I,** section **482.**

A recount disclosing a decisive majority for the sitting member, the Senate confirmed his title to his seat. Volume **VI,** section **188 B.**

Instance wherein the Senate declined to seat one whose election was declared to be tainted with fraud and corruption. Volume **VI,** section **179.**

A petitioner complaining of irregularities in election having failed to present evidence, the Senate confirmed the title of the sitting member. Volume **VI,** section **82.**

Instance wherein minority views, holding a Senator elected by corrupt practices and therefore not entitled to his seat, were sustained by the Senate. Volume **VI,** section **109.**

The Senate invalidated an election procured by corrupt practices without holding the Senator cognizant of the corrupt practices on which invalidated. Volume **VI,** section **108.**

ELECTIONS OF SENATORS—Continued.

(17) Contests.—In General—Continued.

No arrest having been made or conviction had for violation of State election law limiting amount to be expended in procuring election, the Senate did not pursue the inquiry. Volume **VI,** section **82.**

The evidence being insufficient to show that the election of a Senator was effected by corrupt means, the Judiciary Committee asked to be discharged from consideration of the case. Volume **I,** section **689.**

(18) Qualifications.—Constitutional.

An argument that a Senator-elect might be excluded for disqualification other than the three specified by the Constitution. Volume **I,** section **443.**

The right to add other qualifications to the three prescribed by the Constitution was discussed fully in the Senate in 1867. Volume **I,** sections **457, 458.**

Discussion as to the right of the Senate to exclude by majority vote for lack of qualifications other than those enumerated in the Constitution. Volume **I,** section **481.**

The Senate declined to exclude Reed Smoot for alleged disqualifications other than those specified in the Constitution. Volume **I,** section **483.**

In 1856 the Senate decided that a State might not add to the qualifications prescribed by the Constitution for a Senator. Volume **I,** section **416.**

In 1867 the Senate, having in view the test oath and the spirit of the fourteenth amendment, excluded Philip F. Thomas for disloyalty. Volume **I,** sections **457, 458.**

In 1870 a question was raised as to the citizenship of Senator-client H.R. Revels, but he was seated, the Senate declining to postpone the administration of the oath in order to investigate the case. Volume **I,** section **430.**

In 1794 the Senate decided that Albert Gallatin was disqualified, not having been a citizen nine years, although he had served in the war of independence and was a resident of the country when the Constitution was formed. Volume **I,** section **428.**

The Senate decided in 1849 that James Shields was disqualified to retain his seat, not having been a citizen of the United States for the required time. Volume **I,** section **429.**

A Senator who at the time of his election was actually residing in the District of Columbia as an officeholder, but who voted in his old home and had no intent of making the District his domicile, was held to be qualified. Volume **I,** section **439.**

The Senate overruled its committee and held as qualified Adelbert Ames, who when elected Senator from Mississippi was merely stationed there as an army officer, but who had declared his intention of making his home in that State. Volume **I,** section **438.**

The Senate considered qualified a Senator who, being a citizen of the United States, had been an inhabitant of the State from which he was appointed for less than a year. Volume **I,** section **437.**

(19) Qualifications.—In General.

During the discussion of the qualifications of a Senator he presented his resignation, but the Senate disregarded it and proceeded to declare his election void. Volume **I,** section **440.**

Conviction under sections 1781 and 1782 of the Revised Statutes, and not merely accusation, is required to raise a question of qualification against a Senator-elect. Volume **II,** section **955.**

Contention that a Senator may be excluded for disqualification by majority vote, even though he may have been sworn in. Volume **I,** section **481.**

In 1862 the Senate decided to administer the oath "without prejudice to any subsequent proceedings in the case" to a Senator-elect charged with disloyalty. Volume **I,** section **443.**

The Senate by majority vote unseated Albert Gallatin for disqualification after he had taken the oath. Volume **I,** section **428.**

ELECTION OF SENATORS—Continued.

(19) Qualifications.—In General—Continued.

In 1856 the Senate considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I,** section **416.**

A Senator-elect whose loyalty satisfactorily withstood inquiry, but who seemed unable truthfully to take the oath of July 2, 1862, was finally permitted to take the oath. Volume **I,** section **453.**

Although it was understood that objection was made to a Senator-elect on the question of qualification, yet the oath was administrated on his prima facie showing. Volume **I,** section **481.**

The Senate investigated the sanity of a Senator-elect before allowing him to take an oath. Volume **I,** section **441.**

A Senator was unseated for disqualification after he had been seated on his prima facie right. Volume **I,** section **429.**

In the Senate, in 1856, a Senator-elect was sworn on his prima facie right, although his qualifications was questioned. Volume **I,** section **416.**

A Senator-elect who had, before qualifying, exercised the authority of an army officer de facto was held not to have vacated his seat. Volume **I,** section **491.**

A Senator-elect being disqualified, the Senate, after elaborate examination, decided that the person receiving the next higher number of votes was not entitled to the seat. Volume **I,** section **463.**

Refutation of the doctrine that neither the Senate nor its committee have jurisdiction to pass upon the qualification of a Senator-elect prior to the administration of the oath of office. Volume **VI,** section **179.**

Instance wherein a Senator rising in his place objected to the swearing in of a Senator-elect and offered resolution authorizing appointment of a committee to determine his qualifications and eligibility. Volume **VI,** section **179.**

(20) Proceedings of State Legislatures.

The question of the competency of the electing legislature as an inherent part of a prima facie showing discussed by the Senate. Volume **I,** section **342.**

A question as to what constitutes an "organization" of a State legislature within the meaning of the law providing for the election of United States Senators. Volume **II,** sections **1059, 1061.**

For the election of a United States Senator the joint meeting of the legislature is a distinct and separate body, with a quorum of its own. Volume **II,** section **1060.**

A legislature in electing a Senator may act under the law as an assemblage of legislators rather than as two organized legislative bodies. Volume **I,** section **358.**

In the absence of a State or Federal law regulating election of Senators the Senate declined to hold that an election must be participated in by each house in its organized capacity. Volume **I,** section **545.**

In 1857 the Senate declined to seat a claimant elected by a majority of all the members of the State legislature, but not by a joint session of the two houses. Volume **I,** section **844.**

A committee report that in the absence of any law, State or national, a joint meeting of the two houses of a legislature may prescribe that a plurality vote shall elect a United States Senator was reversed by the Senate. Volume **II,** section **877.**

A quorum being actually present in a joint meeting of a legislature for election of a Senator it is not necessary that a quorum actually vote. Volume **II,** section **955.**

The fact that less than a quorum of one house of a legislature is present in the joint meeting does not prevent the election of a Senator under the act of 1866. Volume **II,** section **955.**

In a State whereof the constitution required two-thirds of a quorum of each house of the legislature, a Senator was elected by a majority merely of the total membership of the two houses. Volume **I,** section **545.**

ELECTIONS OF SENATORS—Continued.

(20) Proceedings of State Legislatures—Continued.

A legislature having proceeded without objective to elect a Senator, failure to comply with requirements of a directory State law did not vitate the election. Volume **I,** section **844.**

The Senate declined to inquire into the titles of the members and presiding officer of a legislative body, the legality of the organization being unimpeached. Volume **I,** section **551.**

The Senate of a State having failed to adjudge a participating member disqualified, the United States Senate, in a close decision, declined to reject the vote of the said member for Senator. Volume **I,** section **563.**

The Senate in election cases investigates the legality of the legislature as organized, but refrains from questioning the titles of the component parts of an undoubted legislature. Volume **I,** section **351.**

There being rival legislatures, the Senate in deciding an election case investigated the titles of the legislators, even to the circumstances of their elections. Volume **I,** section **356.**

A person ascertained by a majority of the committees to be legally elected and certified was seated by the Senate, although both executive and legislature were displaced by force before the Senate acted. Volume **I,** section **356.**

The Senate declined to admit persons elected under the auspices of a State government representing a portion of only of the people in a State menaced by hostile armies. Volume **I,** section **382.**

From a State distracted by civil war the Senate admitted Senators chosen by a legislature representing no more than a third or fourth of the people. Volume **I,** section **383.**

The Senate declined to admit to a seat a person bearing uncontested credentials of election by a legislature representing a small portion of the people in a seceding State. Volume **I,** section **384.**

A State having been in secession, the Senate admitted as Senator the person chosen after the State had conformed to conditions prescribed by law and refused to admit one chosen prior to such conformity. Volume **I,** section **390.**

The Senate finally seated persons elected by a legislature in a reconstructed State, although after the intervention of Congress other persons has been elected. Volume **I,** section **391.**

Instance wherein the Senate admitted persons chosen before Congress had admitted a reconstructed State to representation. Volume **I,** sections **389, 392.**

A State having been in secession, the Senate admitted as Senator the person chosen after the State had conformed to conditions prescribed by law and refused to admit one chosen prior to such conformity. Volume **I,** section **389.**

Decision by the Senate as to authority of a legislature to elect Senators before the date when the State became entitled to representation. Volume **I,** section **395.**

The Senate declined to admit the persons bearing credentials as Senator-elect from Tennessee until that State has been admitted to the Union. Volume **I,** section **398.**

The Senate declined to admit a Senator-elect from Minnesota until a formal act of admission had been passed by Congress. Volume **I,** section **399.**

In electing a Senator the State legislature acts under authority of the Federal Constitution, and a State constitution and laws conflicting therewith are void. Volume **I,** section **632.**

A Senate committee concluded that the journal entries of a legislative body were conclusive as to all the proceedings had and might not be contradicted by es parte evidence. Volume **I,** section **563.**

Elaborate discussion by a Senate committee of effect of the constitutional provision that "a majority of each house shall, constitute a quorum." Volume **I,** section **630.**

A legislative body recognized by the State executive and having an elected but not certified quorum was once preferred to a rival body having a certified but not elected quorum. Volume **I,** section **343.**

ELECTIONS OF SENATORS—Continued.

(20) Proceedings of State Legislatures.—Continued.

Duty of presiding officer of joint convention of legislature to declare result of ballot for Senator is purely ministerial and failure to perform that duty does not prejudice validity of the election. Volume **VI,** section **83.**

A quorum of each house being present at joint meeting of legislature for election of Senator, a majority of those in attendance elects, and a majority of all members of the legislature is not required. Volume **VI,** section **104.**

Votes of members of legislature answering present in ballot for election of Senator considered blank ballots and not counted. Volume **VI,** section **84.**

Under its constitutional right to judge elections, returns, and qualifications, the Senate may inquire into the personal fitness of a man elected by a State; the manner of his election; and whether votes cast for him by members of the legislature were procured through bribery; but may not inquire into the personal character of the legislators themselves. Volume **VI,** section **105.**

Decision by committee that payment to members of legislature of money not shown to have been paid for specific purpose of electing Senator did not invalidate election, overruled by Senate. Volume **VI,** section **108.**

The Senate seated a Senator-elect on prima facie showing of his election by a legislature, although his election for a prior term had been found by a committee invalid because of bribery. Volume **I,** section **695.**

A question in the Senate as to whether or not credentials should set forth at length the proceedings of the electing legislature. Volume **I,** section **573.**

A Senate discussion favoring recognition of a legislative body having a legally certified, but not legally elected, quorum, in preference to one having an elected, but not certified, quorum. Volume **I,** section **358.**

In determining an election case the Senate has taken notice of the journals of a State legislature. Volume **I,** section **353.**

The two Houses of Congress having by law declared the State of Louisiana in a state of insurrection, the Senate in 1864 did not admit persons bearing credentials therefrom. Volume **I,** section **358.**

(21) Appointments by State Executives.

The question as to when the term of service of a Senator appointed by a State executive to fill a vacancy ceases. Volume **I,** sections **787–790.**

A Senator appointed by the State executive to fill a vacancy ceases to serve after the final adjournment of the legislature which should elect his successor. Volume **V,** section **6689.**

Reference to cases in the Senate relating to the authority of State executives to make appointments to fill vacancies in the United States Senate (footnote). Volume **I,** section **790.**

Credentials being delayed, a Senator appointed by a State executive continued to serve after another had been elected to fill the vacancy. Volume **VI,** section **157.**

The sufficiency of authorization conferred by a State statute on the State executive to appoint a United States Senator under the provisions of the seventeenth amendment to the Constitution. Volume **VI,** section **173.**

Ruling by the Vice President on tenure of office of Senators holding temporary appointment in the Senate. Volume **VI,** section **145.**

Discussion as to the term of service of a Senator appointed by a State executive to fill a vacancy. Volume **VI,** section **156.**

The first woman to sit in the Senate. Volume **VI,** section **156.**

(22) Resignations and Vacancies.

A Senator may resign, appointing a future day for his resignation to take effect, and the State executive may by appointment fill the vacancy before that date. Volume **II,** section **1228.**

ELECTIONS OF SENATORS—Continued.

(22) Resignations and Vacancies.—Continued.

A Senator may resign, appointing a future day for the resignation to take effect, and the State legislature may fill the vacancy before that date. Volume **II,** section **1229.**

Instance wherein a Senator resigned, appointing a future date for the resignation to take Volume **II,** section **1226.**

Instance wherein a Senator-elect notified the Senate that he had formally declined to accept an appointment to be a Senator. Volume **II,** section **1235.**

The election of a Senator being thoroughly tainted with bribery, the Senate was proceeding to unseat him when he resigned. Volume **II,** section **1279.**

Senate decision as to the time when a legislature should fill a vacancy in the United States Senate. Volume **I,** section **394.**

The withdrawal of a Senator to join the foes of the Government was held to create a vacancy which a legislature could recognize, although the Senate had not expelled him. Volume **I,** section **393.**

A Senator threatened with loss of his seat for bribery having resigned the proceedings abated. Volume **I,** section **693.**

A Senator, having resigned apparently to escape being unseated for bribery, was not readmitted on credentials showing appointment by an acting governor. Volume **I,** section **694.**

By a letter presented and read to the Senate a contestant withdrew his claim to a seat after the committee had reported in his favor. Volume **I,** section **631.**

Instance wherein a Senator, following an inquiry vindicating his title to his seat, resigned. Volume **VI,** section **74.**

(23) Various Senate Cases.

Alabama.—Forty-second Congress.—Goldthwaite, Blodgett, and Norwood. Volume **I,** sections **393, 394.**

Alabama.—Forty-third Congress.—Sykes v. Spencer. Volume **I,** sections **342–344.**

Alabama.—Forty-fifth Congress.—John T. Morgan. Volume **I,** section **359.**

Alabama.—Seventy-second Congress.—Heflin v. Bankhead. Volume **VI,** section **188.**

Arkansas.—Thirty-eighth Congress.—Fishback and Baxter. Volume **I,** section **382.**

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Delaware.—Fifty-fourth Congress.—Addicks v. Kenney. Volume **I,** section **633.** Henry A. du Pont. Volume **I,** sections **563, 564.**

Delaware.—Sixty-second Congress.—Henry A. du Pont. Volume **VI,** section **129.**

Florida.—Fortieth Congress.—Marvin v. Osborn. Volume **I,** section **390.**

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Florida.—Fifty-second Congress.—Davidson v. Call. Volume **II,** section **1060.**

Georgia.—Fortieth and Forty-first Congresses.—Whitely and Farrow v. Hill and Miller. Volume **I,** section **391.**

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Georgia.—Sixty-seventh Congress.—Rebecca Latimer Felton. Volume **VI,** section **156.**

Georgia.—Sixty-ninth Congress.—Clark v. Edwards. Volume **VI,** section **168.**

Idaho.—Fifty-first Congress.—Shoup and McConnell. Volume **I,** section **573.**

Idaho.—Fifty-second Congress.—Clagett v. Dubois. Volume **II,** section **1061.**

Illinois.—Sixty-first Congress.—William Lorimer. Volume **VI,** sections **104–109.**

Illinois.—Seventieth Congress.—Frank L. Smith. Volume **VI,** section **179.**

Indiana.—Thirty-fourth and Thirty-fifth Congresses.—Lane and McCarthy v. Fitch and Bright. Volume **I,** sections **545, 546.**

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Iowa.—Thirty-fourth Congress.—James Harlan. Volume **I,** section **844.**

ELECTIONS OF SENATORS—Continued.

(23) Various Senate Cases—Continued.

Iowa.—Sixty-seventh Congress.—Smith W. Brookhart. Volume **VI,** section **157.**
Iowa.—Sixty-ninth Congress.—Steck v. Brookhart. Volume **VI,** section **172.**
Kansas.—Thirty-seventh Congress.—Stanton v. Lane. Volume **I,** section **491.**
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Kansas.—Forty-sixth Congress.—John J. Ingalls. Volume **I,** section **690.**
Kansas.—Fifty-third Congress.—Ady v. Martin. Volume **II,** section **1059.**
Kansas.—Fifty-ninth Congress.—Joseph R. Burton. Volume **II,** section **1282.**
Louisiana.—Thirty-eighth Congress.—Cutler and Smith. Volume **I,** section **385.**
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Louisiana.—Forty-third, Forty-fourth, and Forty-fifth Congresses.—Pinchback, McMillen, Marr, and Eustis. Volume **I,** sections **347–353.**
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Maryland.—Sixtieth Congress.—John W. Smith. Volume **VI,** section **88.**
Michigan.—Sixty-seventh Congress.—Ford v. Newberry. Volume **VI,** sections **72–74.**
Minnesota.—Thirty-fifth Congress.—James Shields. Volume **I,** section **399.**
Minnesota.—Sixty-ninth Congress.—Johnson v. Schall. Volume **VI,** section **171.**
Mississippi.—Forty-fifth Congress.—L. Q. C. Lamar. Volume **I,** section **359.**
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Montant.—Fifty-sixth Congress.—William A. Clark. Volume **I,** sections **692–695.**
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New Jersey.—Thirty-ninth Congress.—John P. Stockton. Volume **II,** section **877.**
New Mexico.—Sixty-ninth Congress.—Bursum v. Bratton. Volume **VI,** section **170.**
New York.—Forty-seventh Congress.—Lapham and Miller. Volume **II,** section **955.**
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Ohio.—Forty-ninth Congress.—Henry B. Payne. Volume **I,** section **691.** Marcus A. Hanna (footnote). Volume **I,** section **691.**
Oregon.—Forty-fifth Congress.—La Fayette Grover. Volume **I,** section **552.**
Pennsylvania.—Thirty-fourth Congress.—Simon Cameron. Volume **I,** section **688.**
Pennsylvania.—Seventieth Congress.—William B. Wilson v. William S. Vare. Volume **VI,** section **180.**
Rhode Island.—Twenty-third Congress.—Asher Robbins. Volume **I,** section **627.**
South Carolina.—Forty-fifth Congress.—Corbin v. Butler. Volume **I,** sections **628–631.**
Texas.—Forty-second Congress.—Reynolds v. Hamilton. Volume **I,** section **395.**
Texas.—Fifty-second Congress.—Horace Chilton. Volume **II,** section **1228.**
Texas.—Sixth-eighth Congress.—Peddy v. Mayfield. Volume **VI,** section **165.**
Utah.—Fifty-eighth Congress.—Reed Smoot. Volume **I,** sections **481–483.**
Virginia.—Thirty-seventh Congress.—Willey and Carlile. Volume **I,** section **383.**
Virginia.—Thirty-eighth Congress.—Segar and Underwood. Volume **I,** section **384.**
West Virginia.—Fiftieth Congress.—Lucas v. Faulkner. Volume **I,** section **632.**
West Virginia.—Sixth-second Congress.—Clarence W. Watson and William E. Chilton. Volume **VI,** section **87.**
West Virginia.—Sixty-fifth Congress.—Howard Sutherland. Volume **VI,** section **82.**
Wisconsin.—Sixty-second Congress.—Isaac Stephenson. Volume **VI,** sections **83–85.**
Miscellaneous.—Smith, Winthrop, Phelps, and Cass. Volume **I,** sections **787–790.**

ELECTIONS OF SENATORS—Continued.

(24) In General

In an election case the Senate considered so far as applicable testimony taken by its committee, in a former Congress, in a matter to which neither contestant was a party. Volume **I,** section **348.**

In a Senate election case, by consent of the parties, testimony taken by Senate and House committees in proceedings to which neither contestant was a party, was admitted for what it was worth. Volume **I,** section **356.**

The Name of a candidate for United States Senator on the ballot was held not to be such distinguishing mark as would destroy the secrecy of the ballot. Volume **I,** section **643.**

The Senate has admitted a person elected while the case of another claimant to the seat was yet pending. Volume **I,** section **353.**

A resolution determining title to a seat in the Senate raises a question of the highest privilege and takes precedence over any other order. Volume **VI,** section **173.**

Failure to comply with statutory requirements in the singing, numbering, and stamping of ballots was disregarded by the Senate. Volume **VI,** section **165.**

ELECTIVE FRANCHISE.

The abridgement of the elective franchise with reference to apportionment as well as the collection of general statistics have been considered by the Committee on Census. Volume **IV,** section **4352.**

ELECTORAL COMMISSION.

A Commission consisting of Members of the House and Senate and certain members of the judiciary was provided by law to settle disputed questions relating to the electoral count of 1877. Volume **III,** section **1953.**

In 1877 objections to the counting of the electoral vote of a State where referred by law from the joint meeting to the Electoral Commission. Volume **III,** section **1954.**

In 1877, in accordance with a provision of law, the House elected by viva voce vote five members of the Electoral Commission. Volume **IV,** section **4464.**

In 1877 the House authorized its members of the Electoral Commission to sit during the session of the House. Volume **IV,** section **4549.**

During the electoral count of 1877 the Speaker held that the House alone might not refer a matter to the Electoral Commission Volume **III,** section **1955.**

ELECTORAL COUNT.

(1) Privileges, powers, and duties of Congress as to.
(2) Special provisions for the count of 1877.
(3) Time of and arrangement for.
(4) Ceremonies of joint meeting.
(5) Presiding officers.—Functions of President of Senate and Speaker.
(6) Presiding officers.—Personal relations to the count.
(7) The tellers.
(8) Debate and motions generally not in order in joint meeting.
(9) As to recesses and adjournment of joint meeting.
(10) Proceedings in either House on separating for decisions.
(11) The certificates and objections thereto.—Transmission of.
(12) The certificates and objections thereto.—Presentation, reading, and making objection.
(13) The certificates and objections thereto.—Separation of two Houses to consider.
(14) The certificates and objections thereto.—Votes given previous to admission of States.
(15) The certificates and objections thereto.—Irregular certificates.
(16) The certificates and objections thereto.—Conflicting certificates.
(17) The certificates and objections thereto.—As to qualifications of electors.
(18) The certificates and objections thereto.—General objections.

ELECTORAL COUNT—Continued.

(19) The result.—Report of tellers.
(20) The result.—Declaration by presiding officer.
(21) The result.—Alternative announcement.
(22) The result.—Notification of candidates found elected.
(23) The result.—Election when the count shows no choice
(24) Journal entry of proceedings.
(25) Questions of privilege relating to.
(26) The various counts.

(1) Privileges, Powers, and Duties of Congress as to.

In 1877 the privileges, powers, and duties of the two Houses, respectively, in connection with the electoral count were carefully examined. Volume **III,** section **1953.**

In a message in 1865 the President of the United States disclaimed all right of interfering with the canvassing or counting of the electoral votes (footnote). Volume **III,** section **1951.**

The Houses of Congress do not have, in counting the electoral vote, the power to inquire into the circumstances under which the primary vote for Presidential Electors is given in a State. Volume **III,** section **1977.**

The House, by formal resolutions, declared that there was no power in Congress or elsewhere to revise or change the result arrived at in the joint meeting for counting the electoral vote of 1877. Volume **III,** sections **1924, 1925.**

A controversy in any State over the appointment of Presidential electors, settled in accordance with a law of that State six days before the time for the meeting of the electors, shall not be a cause of question in the counting of the electoral vote by Congress. Volume **III,** section **1914.**

A proposition in the Senate to ensure a Member of the House for conduct in the joint meeting to count the electoral vote. Volume **III,** section **1950.**

(2) Special Provisions for the Count of 1877.

In 1877 the House and Senate appointed committees to act jointly to devise a method of counting the electoral vote. Volume **III,** section **1953.**

In 1877, for the first time, the electoral count was made in accordance with an act passed by the two Houses and signed by the President. Volume **III,** section **1953.**

A commission, consisting of Members of the House and Senate and certain members of the Judiciary, was provided by law to settle disputed questions relating to the electoral count of 1877. Volume **III,** section **1953.**

(3) Time of, and Arrangements for.

The electoral count occurs in the Hall of the House at 1 p.m. on the second Wednesday of February succeeding every meeting of electors. Volume **III,** section **1918.**

In 1893 a question was raised as to the constitutional force of the electoral act of 1887. Volume **III,** section **1960.**

The former joint rule providing for the electoral count (footnote). Volume **III,** section **1951.**

The two Houses by concurrent resolution provide for the meeting to count the electoral vote, for the appointment of tellers, and for the declaration of the state of the vote. Volume **III,** section **1961.**

The two Houses by concurrent resolution provided for the meeting to count the electoral vote. Volume **VI,** section **443.**

The date for the count of the electoral vote falling on Calender Wednesday, the House by resolution provided for a recess on that day. Volume **VI,** section **445.**

In 1801 the electoral count took place in accordance with arrangements made separately by the two Houses but identical in essential particulars. Volume **III,** section **1931.**

In 1901 the concurrent resolution providing for the electoral count was changed in form to meet the requirements of the electoral law. Volume **III,** section **1962.**

ELECTORAL COUNT—Continued.

(3) Time of, and Arrangements for—Continued.

The joint committee which arranged for the electoral count of 1857 consisted of a larger number of Representatives that Senators, as had been the practice previously in reference to similar committees. Volume **III,** section **1946.**

Changes in the law regarding the electoral count and resolutions regulating the actual count by the House and Senate are within the jurisdiction of the Committee on Election of President, Vice-President, and Representatives in Congress. Volume **IV,** section **4303.**

A bill related to the constitutional functions of the House in counting the electoral vote was held to be highly privileged. Volume **III,** section **2578.**

Neither House recesses or adjourns for the electoral count. Volume **VI,** section **444.**

(4) Ceremonies of Joint Meeting.

The conduct of the electoral count is frequently a matter of perfunctory routine. Volume **VI,** section **442.**

The usage as to preliminary messages between the two Houses when they are about to assemble in joint meeting for the count of the electoral vote (footnote). Volume **III,** section **1961.**

In the earlier practice the House, as the hour for the electoral count approached, sent a message to the Senate announcing readiness to receive the latter body. Volume **III,** section **1941.**

The statutes give directions for seating the officers and Members of the two Houses at the counting of the electoral votes. Volume **III,** section **1919.**

The rule for the seating of officers and Members at a joint session of the two Houses for counting the electoral vote. Volume **III,** section **1920.**

At the electoral count of 1853 the Senators and officers participating were seated with especial care as to order. Volume **III,** section **1945.**

At the electoral count of 1821 a committee was appointed to receive the President and Members of the Senate at the door and conduct them to their seats. Volume **III,** section **1936.**

At the electoral count of 1821 the Members of the House arose and stood uncovered when the Senate entered the Hall. Volume **III,** section 1936.

The House by resolution makes a special disposition of the galleries for the electoral count. Volume **III,** section **1961.**

Orders relating to the use of the galleries of the House during the electoral count are within the jurisdiction of the Committee on Rules. Volume **IV,** section **4327.**

In the absence of the customary resolution relating to disposition of the galleries during the electoral count, the usual reservations were made by the direction of the Speaker. Volume **VI,** section **443.**

Senators who had been candidates for the office of Vice President in the election did not attend the joint session for the count of the electoral vote. Volume **VI,** section **445.**

(5) Presiding Officers.—Functions of President of Senate and Speaker.

The President of the Senate is the Presiding Officer of the joint meeting for the count of the electoral votes. Volume **III,** section **1918.**

At the first electoral count the Senate elected a President pro tempore solely for that occasion. Volume **III,** section **1928.**

At the first electoral count held in the Hall of the House the President of the Senate sat at the right of the Speaker and the Senators on the right of the Hall. Volume **III,** section **1930.**

The President of the Senate preserves order in the joint meeting for the count of the electoral vote. Volume **III,** section **1921.**

In 1881 the Senate determined that its President had no authority to decide on the reception or rejection of electoral votes. Volume **III,** section **1957.**

ELECTORAL COUNT—Continued.

(5) Presiding Officers.—Functions of President of Senate and Speaker—Continued.

In the electoral count of 1817 the Speaker presided with the President of the Senate and ruled on a proposition made by a member of the House. Volume **III,** section **1935.**

At the electoral count of 1821 the Speaker was made, so far as the action of the House could control, Presiding Officer of the House portion of the joint meeting, and he did, in fact, so preside. Volume **III,** section **1937.**

Disorder arising in the joint meeting during the electoral count of 1869, the Speaker called Members of the House to order and directed the Sergeant-at-Arms to assist. Volume **III,** section **1950.**

(6) Presiding Officers.—Personal Relations to the Count.

In a case where the Vice-President was also the Vice-President-elect, the Senate announced the election of a President pro tempore for the sole purpose of opening the certificates and counting the votes, but it does not appear certain that he acted. Volume **III,** section **1929.**

Instance wherein the Vice-President, who was also the President-elect, presided at the electoral count. Volume **III,** section **1930.**

Mr. Speaker Colfax presided with the President pro tempore at the electoral count of 1869, although he was ascertained by that count to be the Vice-President-elect. Volume **III,** section **1950.**

The Speaker of the House, being the Vice-President-elect, called a Member to the chair during discussion of a question relating to the electoral count. Volume **II,** section **1365.**

The Vice president elect, as Speaker of the House, participated in the ceremonies. Volume **VI,** section **446.**

(7) The Tellers.

In 1921 the provision authorizing the naming of tellers, which on the occasion of the electoral counts of 1909, 1913, and 1917 had been incorporated in separate resolutions, was included in the original resolution providing for the joint session. Volume **VI,** section **443.**

Two tellers are appointed on the part of each House to tabulate the votes in the electoral count. Volume **III,** section **1918.**

While the Speaker has at times appointed the tellers for the electoral count as of his own authority, yet the best-considered opinion is that the function belongs to the House itself (footnote). Volume **III,** section **1961.**

For the electoral count of 1853 the House authorized the Speaker to appoint the tellers. Volume **III,** section **1945.**

The House authorized the Speaker to appoint the tellers for the electoral count of 1857. Volume **III,** section **1946.**

The House empowered the Speaker to appoint the tellers for the electoral count of 1861. Volume **III,** section **1947.**

In 1901 the Speaker, with the assent of the House, appointed the tellers for the electoral count. Volume **III,** section **1962.**

At the electoral count of 1849 the Speaker appointed the tellers on the part of the House without authority expressly given. Volume **III,** section **1944.**

In 1877 the Speaker appointed the tellers for the electoral count without special authority from the House, and named them all from the majority party, a course which was followed by the President pro tempore. Volume **III,** section **1954.**

The tellers on the part of the House for the electoral count of 1789 were appointed by resolution. Volume **III,** section **1928.**

A teller appointed for the electoral count may be excused by authority of the House. Volume **III,** section **1944.**

Instance in which a teller resigned and suggested the appointment of a successor. Volume **VI,** section **446.**

ELECTORAL COUNT—Continued.

(8) Debate and Motions Generally Not in Order in Joint Meeting.

In the joint meeting for the count of the electoral vote no debate is allowed and no question is put by the Presiding Officer except to either House on a motion to withdraw. Volume **III,** section **1921.**

While in joint meeting for counting the electoral vote the two Houses may consider no proposition and perform no business not prescribed by the Constitution. Volume **III,** section **1935.**

In the electoral count of 1821 all debate and proceedings not prescribed in the joint rule were held out of order in the joint meeting. Volume **III,** section **1937.**

During the electoral count of 1857 the President pro tempore held that the joint meeting might not pass on the validity of the vote of a State. Volume **III,** section **1946.**

During the electoral count of 1869 the President pro tempore declined to entertain a resolution offered by a Member of the House. Volume **III,** section **1949.**

During the electoral count of 1877 a Member of the House was permitted by unanimous consent to make to the joint meeting a statement relating to an unofficial return. Volume **III,** section **1956.**

In the joint meeting for the electoral count of 1877 a Member of the House raised a question as to the presence of a quorum of the Senate, but it was disregarded by the President pro tempore. Volume **III,** section **1956.**

During the electoral count of 1873 the joint meeting made, by unanimous consent, orders relating to the reading of the certificates and the consideration of objections. Volume **III,** section **1951.**

At the electoral count of 1849 the Vice-President ruled that in the joint meeting no other motion or proceeding than that prescribed by the Constitution was in order. Volume **III,** section **1944.**

A motion was entertained in the joint meeting for the electoral count of 1865, but only for determination by the House separately. Volume **III,** section **1948.**

During the electoral count of 1857 it was held that no vote could be taken in the joint meeting and that no motion calling for a vote was in order. Volume **III,** section **1946.**

During the electoral count of 1869 the President pro tempore used his discretion about entertaining points of order, but declined absolutely to entertain appeals. Volume **III,** section **1949.**

In the joint meeting for the electoral count of 1877 the President pro tempore declined to entertain either a resolution or an appeal. Volume **III,** section **1956.**

The Vice-President held in 1873 that an appeal might not be taken in the joint meeting for counting the electoral vote. Volume **III,** section **1952.**

(9) As to Recesses and Adjournment of Joint Meeting.

The statutes prescribe directions as to recesses and adjournment of the joint meeting and the two Houses during the count of the electoral vote. Volume **III,** section **1919.**

During the electoral count of 1869 the President pro tempore ruled out of order a motion that the joint meeting adjourn, and after the announcement of the vote the Senate retired without motion. Volume **III,** section **1949.**

During the electoral count of 1877 the President pro tempore declined to entertain a motion that the joint meeting take a recess. Volume **III,** section **1955.**

(10) Proceedings in Either House on Separating for Decision.

When the two Houses separate to pass on a question arising during the electoral count there may be two hours of debate, each Member or Senator being confined to five minutes. Volume **III,** section **1922.**

Construction of the law providing for putting the main question without debate during the electoral count. Volume **III,** section **1956.**

ELECTORAL COUNT—Continued.

(10) Proceedings in Either House on Separating for Decision—Continued.

The electoral law of 1877 providing for putting "the main question without debate" the Speaker held that this admitted any motions pertaining to the main question. Volume **III,** section **1955.**

The electoral count of 1877, when the proceedings were prescribed by law, the Speaker ruled that a motion interfering with the promptness of those proceedings was dilatory. Volume **III,** section **1955.**

During the electoral count of 1877 the Speaker held that the House alone might not refer a matter of the Electoral Commission. Volume **III,** section **1955.**

The question of taking recesses arose under the law providing for a continuous legislative day during the electoral count of 1877. Volume **III,** section **1954.**

During the prolonged proceedings of the electoral count of 1877 the House and Senate caused each calendar day to be journalized as a legislative day. Volume **III,** section **1927.**

The two Houses having separated to pass on an objection raised during the electoral count of 1877 the Speaker decided that the right to prior recognition belonged to the Member who had raised the objection in the joint meeting. Volume **III,** section **1956.**

When the two Houses separate to pass on an objection to counting an electoral vote the message that the House is ready to receive the Senate again is sometimes sent by the Clerk without special direction. Volume **III,** section **1923.**

The two Houses having separated for action on an objection during the electoral count of 1869 the House announced to the Senate by message its decision. Volume **III,** section **1950.**

After the two Houses had separately considered objections raised during the electoral count of 1873 they informed one another of their conclusions by message, and the House by message informed the Senate of its readiness to receive then in order to proceed with the count. Volume **III,** section **1952.**

(11) The Certificates and Objections Thereto.—Transmission of.

The statutes provide for transmitting the certificates of the action of the electors in each State to the President of the Senate. Volume **III,** section **1916.** Volume **VI,** section **440.**

Certificates of the votes of the electors in the several States for President and Vice-President are transmitted to the President of the Senate, who may in case of delay send for them. Volume **III,** section **1917.** Volume **VI,** section **441.**

In 1877 the President pro tempore declined to receive an unofficial certificate of the electoral vote Vermont presented in joint meeting by a Member of the House. Volume **III,** section **1956.**

The copies of the electoral votes transmitted to House and Senate in accordance with the law are not among the papers essential at the count. Volume **III,** section **1926.**

The executive of each State is charged with the duty of transmitting to the Secretary of State of the United States a certificate of the appointment of electors and the names and votes; and of delivering a similar certificate to the electors. Volume **VI,** section **439.**

It is the duty of the executive of any State wherein there may be a controversy as to the appointment of electors to transmit to the Secretary of State of the United States a certificate of the determination thereof. Volume **VI,** section **439.**

The Secretary of State is required to transmit to Congress copies certificates received from the State executives relating to the appointment of presidential electors. Volume **VI,** section **439.**

The Secretary of State having failed to receive from a State a separate certificate of the final ascertainment of electors, transmitted in lieu thereof a photostat copy which had been appended to the certificate of the electors; and subsequent to the counting of the electoral vote forwarded to the Senate the missing certificate which was substituted for the photostat copy on file. Volume **VI,** section **445.**

ELECTORAL COUNT—Continued.

(12) The Certificates and Objections Thereto.—Presentation, Reading, and Making Objection.

The certificates of electoral votes are presented to the joint meeting in alphabetical order of States, and on being read are subject to objection in writing signed by at least one Member and one Senator. Volume **III,** section **1918.**

It was held during the electoral count of 1865 that an objection to the vote of a State must be raised at the time of the reading of the certificate. Volume **III,** section **1948.**

The President pro tempore held during the electoral count of 1869 that under the terms of the then existing joint rule an objection to the counting of an electoral vote should be in writing and specific. Volume **III,** section **1949.**

When an objection is raised to the counting of the electoral vote of a State in joint meeting two copies are made of the objection, one for use of the House and the other for the Senate. Volume **III,** section **1951.**

Under the former joint rule for counting the electoral vote the Vice-President held that objection to the vote of a State, even for a constitutional reason, should be made at the time the vote was opened and counted. Volume **III,** section **1952.**

During the electoral count of 1873 the objection to the vote of Georgia was by unanimous consent reserved until objection was made to the vote of Mississippi, when the Houses separated and considered the two. Volume **III,** section **1951.**

(13) The Certificates and Objections Thereto.—Separation of Two Houses to Consider.

In case of objection to an electoral certificate, or in case of conflicting certificates, the Senate retires and the two Houses consider the matter separately. Volume **III,** section **1918.**

In 1817 it was held that an objection to the electoral vote of a State might not be debated or considered in the joint meeting, and the two Houses separated for action. Volume **III,** section **1935.**

During the electoral count of 1857, a question arising as to the electoral vote of Wisconsin, a Senator moved and the Senate voted to retire to its own Chamber, whence it did not return. Volume **III,** section **1946.**

In the electoral counts of 1817 and 1821, when a Member of the House objected to the electoral vote of a State, it appears that the House alone acted on the objection. Volume **III,** section **1937.**

In 1877 objections to the counting of the electoral vote of a State were referred by law from the joint meeting to the Electoral Commission. Volume **III,** section **1954.**

When, during the electoral count of 1873, the two House separated to consider objections, the Vice-President, who had custody of the documents, left with the House duplicates of the electoral certificates. Volume **III,** section **1951.**

(14) The Certificates and Objections Thereto.—Votes Given Previous to Admission of States.

At the electoral count of 1817 the votes of Indiana were counted, although given previous to the admission of the State to the Union. Volume **III,** section **1935.**

In 1821 the electoral vote of Missouri was objected to on the ground that the State was not in the Union, but as the vote was not material to the result the objection was tabled. Volume **III,** section **1937.**

(15) The Certificates and Objections Thereto.—Irregular Certificates.

At the electoral count of 1809 an informality in a certificate from one of the States was noticed, but no action was taken in relation to it. Volume **III,** section **1933.**

In 1873 objections were made to the electoral vote of Texas on the ground of a defective certificate and because less than an assumed quorum of the electors had acted, but the vote was counted. Volume **III,** section **1970.**

ELECTORAL COUNT—Continued.

(15) The Certificates and Objections Thereto.—Irregular Certificates—Continued.

In 1873 objection was made both to the substance and form of the electoral certificate of Arkansas, and the two Houses disagreeing the vote was not counted. Volume **III,** section **1969.**

In 1873 there was objection to the electoral vote of Mississippi because of alleged informalities and deficiencies in the certificate, but the vote was counted. Volume **III,** section **1966.**

(16) The Certificates and Objections Thereto.—Conflicting Certificates.

In 1873 the electoral vote of Louisiana was rejected, objections having been made because of conflicting certificates and on other grounds. Volume **III,** section **1968.**

In 1877 objection was made to one of the conflicting electoral certificates from South Carolina on the grounds that the election was not legal for want of proper law, that there was no republican form of government in the State, etc., but the certificate was admitted. Volume **III,** section **1977.**

There being conflicting electoral certificates from Oregon in 1877, the Electoral Commission decided in favor of the electors whom the secretary of state legally certified as having the highest number of votes, although the governor had issued a certificate to others. Volume **III,** section **1975.**

Conflicting electoral certificates being presented from Florida in 1877, a decision was reached that the regularly signed certificate from the governor acting at the time the votes were cast should stand. Volume **III,** section **1971.**

In dealing with objections to the electoral vote of Louisiana in 1877 the Electoral Commission followed the rule laid down in the case of Florida. Volume **III,** section **1972.**

(17) The Certificates and Objections Thereto.—As to Qualifications of Electors.

No Senator or Representative or person holding an office of trust or profit under the United States may be appointed an elector. Volume **III,** sections **1911, 1912.**

In 1837 the votes of certain disqualified Presidential electors were counted, their number not being sufficient to affect the result and there being doubt as to what tribunal should pass on the qualifications. Volume **III,** section **1941.**

In 1837 a joint committee of the two Houses found that several electors were disqualified by reason of holding offices of trust or profit under the United States at the time of their election. Volume **III,** section **1941.**

It was held not to be competent to go behind the official certificates and papers to prove the alleged disqualifications of certain Louisiana members of the electoral college of 1877. Volume **III,** section **1972.**

In 1877 objection was made that a Wisconsin elector was disqualified by reason of holding another office, but the vote was counted. Volume **III,** section **1979.**

In 1877 an elector of Nevada was objected to as disqualified, but because of an error in the objection it was not pressed, and the vote was counted. Volume **III,** section **1974.**

The allegation that a Florida elector was disqualified was disregarded by the Electoral Commission in 1877 in the absence of proof. Volume **III,** section **1971.**

In 1877 an objection was made to one elector of Michigan on the ground that he had been improperly chosen in place of an elector alleged to be disqualified, but the two Houses decided to count the vote. Volume **III,** section **1973.**

An elector disqualified by reason of holding another office resigned both offices, whereupon he was made eligible to fill the vacancy thus caused among the electors. Volume **III,** section **1975.**

A controversy in any State over the appointment of presidential electors settled in accordance with a law of that State six days before the time for the meeting of the electors shall not be a cause of question in the counting of the electoral votes by Congress. Volume **VI,** section **438.**

ELECTORAL COUNT—Continued.

(18) The Certificates and Objections Thereto.—General Objections.

At the electoral count of 1865 the Vice-President, in deference to a provision of law, withheld from the joint meeting the returns from the States of Louisiana and Tennessee. Volume **III,** section **1948.**

A difficulty was caused during the electoral count of 1857 by the vote of Wisconsin, which was not cast on the day prescribed by law. Volume **III,** section **1946.**

In the electoral count of 1869 objection was made that there had been no valid election in Louisiana, but the vote was counted. Volume **III,** section **1964.**

Objection was made to the manner of appointment of one of the electors of Rhode Island in 1877, but the two Houses decided to count the vote. Volume **III,** section **1978.**

In 1877 an objection was made that one of the electors of Pennsylvania was illegally appointed, but the vote was counted. Volume **III,** section **1976.**

Objection was made to the manner of appointment of one of the electors of Vermont in 1877, but the vote was counted. Volume **III,** section **1980.**

In 1873 objection was made that the electoral vote of Georgia should not be counted, as it had been cast for Horace Greeley, who was dead, and the two Houses not agreeing the vote was not counted. Volume **III,** section **1967.**

At the electoral count of 1817 objection was made by a Member of the House rising in his place to the counting of the vote of Indiana. Volume **III,** section **1935.**

(19) The Result.—Report of Tellers.

Form of the duplicate reports made by the tellers at the electoral count. Volume **III,** section **1962.** Volume **VI,** section **443.**

(20) The Result.—Declaration by Presiding Officer.

At the conclusion of the electoral count the President of the Senate merely announces the state of the vote, which, with the list of the votes, is entered on the journals of the two Houses. Volume **III,** section **1918.**

At the electoral count of 1885 the President pro tempore, in announcing the result, disclaimed any authority in law to declare any legal conclusion whatever. Volume **III,** section **1958.**

At the electoral count of 1873 the Vice-President, in accordance with the previous practice, not only announced the state of the vote, but declared those elected. Volume **III,** section **1952.**

(21) The Result.—Alternative Announcement.

At the electoral count of 1821 arrangement was made for an alternative announcement in case objections should be made to the electoral vote of Missouri which would not change the result. Volume **III,** section **1936.**

At the electoral count of 1837 the vote of Michigan, which was not essential in the result, was given an alternative announcement, as the State had not been admitted to the Union at the time the vote was cast. Volume **III,** section **1941.**

The State of Georgia having cast her vote on a day different from that prescribed by law, an alternative announcement was made at the counting of the electoral vote. Volume **III,** section **1957.**

In 1869 the electoral vote of Georgia was announced in an alternative way, the objections to it being several in number. Volume **III,** section **1965.**

A provision providing for an alternative announcement of the electoral vote of Georgia caused much disagreement in the electoral count of 1869. Volume **III,** section **1949.**

(22) The Result.—Notification of Candidates Found Elected.

Precedents of the House and Senate in relation to notifying the President-elect and Vice-President-elect of their elections. Volume **III,** section **2000.**

ELECTORAL COUNT—Continued.

The Result.—Election When the Count Shows No Choice.

Provisions of the Constitution governing proceedings of the House in electing a President. Volume **III,** section **1981.**

The rules adopted by the House to govern the voting for the President of the United States when the election was thrown into the House by the failure of the electoral college to make a choice. Volume **III,** sections **1982, 1984.**

There being no choice in the electoral college in 1801, the House of Representatives proceeded to elect a President of the United States. Volume **III,** section **1983.**

The electoral college having failed to choose a President of the United States in 1825, the House proceeded to elect in accordance with the Constitution. Volume **III,** section **1938.**

After the electoral count of 1837 had shown no choice for Vice-President, the Senate proceeded to elect in accordance with the constitutional requirement. Volume **III,** section **1941.**

(24) Journal Entry of Proceedings.

The proceedings of the joint meeting to count the electoral vote are journalized in the same form as the proceedings of the House alone. Volume **IV,** section **2876.**

The report by tellers is made and signed in duplicate, and is entered upon the Journal of each of the two Houses. Volume **VI,** section **444.**

The House declined to amend its Journal so as to include the letter of a Presidential elector explaining his inability to give his vote. Volume **IV,** section **2875.**

(25) Questions of Privilege Relating to.

A proposition relating to the counting of the electoral vote presents a question of constitutional privilege. Volume **III,** sections **2573–2575.**

A resolution declaring that the counting of the electoral vote of a certain State by direction of the Presiding Officer of the Senate was an invasion of the privileges of the House was held in order in the House. Volume **III,** section **2576.**

A resolution relating to alleged fraud in connection with the electoral count has been presented as a matter of privilege. Volume **III,** section **2577.**

(26) The Various Counts.

1789. Volume **III,** section **1928.**
1793. Volume **III,** section **1929.**
1797. Volume **III,** section **1930.**
1801. Volume **III,** section **1931.**
1805. Volume **III,** section **1932.**
1809. Volume **III,** section **1933.**
1813. Volume **III,** section **1934.**
1817. Volume **III,** section **1935.**
1821. Volume **III,** sections **1936, 1937.**
1825. Volume **III,** section **1938.**
1829. Volume **III,** section **1939.**
1833. Volume **III,** section **1940.**
1837. Volume **III,** section **1941.**
1841. Volume **III,** section **1942.**
1845. Volume **III,** section **1943.**
1849. Volume **III,** section **1944.**
1853. Volume **III,** section **1945.**
1857. Volume **III,** section **1946.**
1861. Volume **III,** section **1947.**
1865. Volume **III,** section **1948.**

ELECTORAL COUNT—Continued.

(26) The Various Counts—Continued.
1869. Volume **III,** sections **1949, 1950.**
1873. Volume **III,** sections **1951, 1952.**
1877. Volume **III,** sections **1953–1956.**
1881. Volume **III,** section **1957.**
1885. Volume **III,** section **1958.**
1889. Volume **III,** sections **1959, 1960.**
1893. Volume **III,** sections **1959, 1960.**
1897. Volume **III,** section **1961.**
1901. Volume **III,** section **1962.**
1905. Volume **III,** section **1963.**
1909. Volume **VI,** section **442.**
1913. Volume **VI,** section **442.**
1917. Volume **VI,** section **442.**
1921. Volume **VI,** section **443.**
1925. Volume **VI,** section **444.**
1929. Volume **VI,** section **445.**
1933. Volume **VI,** section **446.**

ELECTORS. See "Elections of Representatives" and "Electoral Count."

ELECTRICIAN.
The electrician and laborers connected with the lighting, heating, and ventilating of the House are under direction of the superintendent, subject to the control of the Speaker. Volume **V,** section **7312.**

ELEVATORS.
Propositions relating to the convenience of Members of the House, as the installation of elevators, were held to belong to the jurisdiction of the Committee on Accounts, and privileged for report at any time in connection with disbursements from the contingent fund. Volume **VIII,** section **2301.**

ELK.
An appropriation for feeding elk in national parks was held to be authorized by law and to constitute a deficiency and to be in order on an appropriation bill. Volume **VII,** section **1175.**

ELLIOTT.
The South Carolina election case of Smalls v. Elliott in the Fiftieth Congress. Volume **II,** sections **1013–1015.**
The South Carolina election case of Miller v. Elliott in the Fifty-first Congress. Volume **II,** section **1034.**
The South Carolina election case of Miller v. Elliott in the Fifty-second Congress. Volume **II,** section **1045.**
The South Carolina election case of Murray v. Elliott in the Fifty-fourth Congress. Volume **II,** section **1074.**

EMBASSIES.
The embassies of China and Japan were received by the House. Volume **V,** sections **7085, 7086.**
The President, at will, may raise a legation to an embassy or reduce an embassy to a legation, any statute to the contrary notwithstanding, and where the President has made such change and followed it with an appointment which has been approved by the Senate, an appropriation for the salary of the appointee is in order unless the rate of pay is in contravention of law. Volume **VII,** section **1248.**

EMBASSIES—Continued.

Hire of a steam launch was held to be a necessary expense incident to maintenance of an embassy at Constantinople, and an appropriation therefore was admitted on an appropriation bill. Volume **VII,** section **1253.**

An appropriation for loss on bills of exchange to and from embassies and legations was held to be in order on an appropriation bill. Volume **VII,** section **1250.**

EMBLEM.

A county official having, with intent to deceive voters, changed the party emblems on the official ballot, the House overruled its committee and rejected the entire returns. Volume **II,** section **1095.**

No surprise being practiced on the voters, who were free to vote for whom they pleased, alleged irregularities in placing a name under a party emblem do not vitiate the election. Volume **II,** section **1117.**

EMERGENCIES.

While the Speaker has, on extraordinary occasions of emergency or routine, recognized Members to request unanimous consent for consideration of unprivileged matters, it is not the practice. Volume **VII,** section **983.**

Bills providing for loans to farmers under emergency conditions have been reported by the Committee on Agriculture. Volume **VII,** section **1866.**

An appropriation to be expended in case of emergency only was held to be in order on an appropriation bill. Volume **VII,** section **1192.**

An appropriation for contingent expenses and unforeseen emergencies was held to be in order on an appropriation bill. Volume **VII,** section **1241.**

A bill making supplemental appropriation for emergency construction on public works is not a general appropriation bill. Volume **VII,** section **1122.**

EMERSON, ETHERIDGE, Clerk.

Decision of, on question relating to—Organization of the House. Volume **I,** sections **76, 77.**

EMOLUMENTS.

Bills authorizing the receipt by naval personnel of decorations, orders, medals, and other insignia and the acceptance of offices with compensation and emoluments from foreign Governments have been reported by the Committee on Naval Affairs. Volume **VII,** section **1909.**

EMPLOYEES. See Also "Clerks."

(1) Of the House.—Appointment and direction of.
(2) Of the House.—Compensation of.
(3) Of the House.—Questions of privilege relating to.
(4) Of the House.—Not to produce papers before the courts.
(5) Of the House.—In general.
(6) Authorization of provisions for, on general appropriation bills.
(7) Jurisdiction of committees as to, generally.
(8) Reference to, in election cases.

(1) Of the House.—Appointment and Direction of.

Resolutions authorizing the employment of persons by the House are reported by the Committee on Accounts. Volume **IV,** section **4333.**

The House has at times laid down general principles to govern the selection of its employees. Volume **V,** sections **7239, 7240.**

A declaration of the House concerning appointments by the officers of the House. Volume **V,** section **7240.**

Each of the elected officers of the House appoints the employees of his department provided by law. Volume **I,** section **187.**

EMPLOYEES—Continued.

(1) Of the House.—Appointment and direction of—Continued.

It is within the power of the officers of the House to remove at will employees subject to appointment by them, and to refrain from appointing their successors. Volume **VI,** section **36.**

The House declined to interfere with the Clerk's power of removing his subordinates. Volume **I,** section **249.**

The Doorkeeper is required to enforce strictly the rules relating to the privileges of the Hall and is responsible for the official conduct of his employees. Volume **I,** section **260.**

The House Library is under the control and direction of the Librarian of Congress, and the House Librarian and his assistants are removable only for cause and with the approval of the Committee on Rules. Volume **V,** section **7269.**

The electrician and laborers connected with the lighting, heating, and ventilating of the House are under direction of the superintendent, subject to the control of the Speaker. Volume **V,** section **7312.**

Employees under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall generally be assigned only to the duties for which they are appointed. Volume **V,** section **7232.**

Employees of the House may not sublet their duties or divide their compensation with others. Volume **V,** section **7232.**

The officers of the House, except the Speaker, are required to make monthly certificates as to the presence of the employees on their pay rolls. Volume **V,** section **7233.**

The Committee on Accounts are to inquire into the enforcement of the statutes relating to employees of the House and are empowered to send for persons and papers. Volume **V,** section **7233.**

No officer or employee of the House shall be an agent for the prosecution of a claim against the Government. Volume **V,** section **7227.**

Duty of the Committee on Accounts to examine as to observance of the rule forbidding officers and employees of the House from being interested in claims. Volume **V,** section **7227.**

One Congress may not, even by statute, provide officers or employees for the service of its successor. One House may continue the tenure of an officer after the Congress for which he was appointed has expired, but a subsequent House may remove such officer and appoint another in his stead. Volume **VI,** section **36.**

Supervision of the press gallery, including designation of its employees, is vested in the standing committee of correspondents, subject to the direction and control of the Speaker. Volume **VIII,** section **3642.**

Instance wherein the House designated a minority employee as Assistant Sergeant at Arms. Volume **VI,** section **681.**

(2) Of the House.—Compensation of.

The Clerk is required to pay the officers and employees of the House on the last secular day of each month. Volume **I,** section **251.**

The Clerk is required to pay the officers and employees of the House on the first secular day of each month. Volume **VI,** section **27.**

The House has insisted on its right to determine the compensation of its own officers and employees. Volume **V,** sections **7241, 7242.**

An ordinary appropriation for session employees is not available at an extra session. Volume **V,** section **7231.**

Extra services of employees are properly compensated under authority of a resolution agreed to by the House. Volume **V,** section **7238.**

Decision as to per diem employees in case of an appropriation for a longer time than their actual employment. Volume **V,** section **7230.**

An appropriation to give employees of the House a month's pay in addition to the annual salary is not in order on an appropriation bill. Volume **VII,** section **1310.**

In case of a month's extra pay an employee having an annual salary is entitled to one-twelfth of the sum of that salary. Volume **V,** section **7229.**

EMPLOYEES—Continued.

(2) Of the House.—Compensation of—Continued.

The representatives of an employee deceased before the passage of an act granting a month's extra pay are not entitled to what would be paid to the employee were he alive. Volume **V,** section **7228.**

A resolution providing additional compensation for employees of the House to be paid from the contingent fund, when reported by the Committee on Accounts, was held to come within the privilege given that committee to report at any time. Volume **VIII,** section **2305.**

A resolution fixing salaries of House employees was held not privileged when reported by the Committee on Accounts. Volume **VIII,** section **2302.**

Payment of clerk hire from lump sum appropriations to persons carried on the rolls in another capacity is additional compensation and prohibited by law. Volume **VI,** section **210.**

(3) Of the House.—Questions of Privilege Relating to.

A resolution for the investigation of the conduct of an employee of the House may be presented as a matter of privilege. Volume **III,** section **2646.**

A resolution reported from the Committee on Ventilation and Acoustics and relating to the sanitary conditions surrounding certain employees was held to be privileged. Volume **III,** section **2633.**

An employee of the House having in a newspaper charged a Member with falsehood in debate, a resolution relating thereto was entertained as a question of privilege. Volume **III,** section **2718.**

An alleged attempt of a doorkeeper to detain and arrest a Member who was about to leave the Hall was held to involve a question of privilege, no authority having been given the Doorkeeper so to act. Volume **III,** section **2524.**

A resolution from the Committee on Accounts to authorize an appropriation for extra compensation to an employee is not privileged. Volume **IV,** section **4645.**

A resolution relating to the dismissal of an employee was held not to involve a question of privilege. Volume **III,** section **2634.**

(4) Of the House.—Not to Produce Papers Before the Courts.

No officer or employee of the House may produce any paper belonging to the files of the House before a court without permission of the House. Volume **III,** section **2663.**

No officer or employee of the House should furnish, except by authority of the House or a statute, any copy of any paper belonging to the files of the House. Volume **III,** section **2663.**

No officer or employee should furnish any copy of any testimony given or paper filed on any investigation before the House or any of its committees. Volume **III,** section **2663.**

No officer or employee of the House may produce before a court, either voluntarily or in obedience to a subpoena duces tecum, any paper from the files without permission of the House first obtained. Volume **VI,** section **587.**

(5) Of the House.—In General.

The old and new systems of providing clerks for Members. Volume **II,** section **1151.**

The old law as to clerk hire for Members and construction thereof. Volume **II,** section **1152.**

No page, except chief pages and riding pages, shall be under 12 or more than 18 years of age. Volume **V,** section **7233.**

Accredited members of the press having seats in the gallery, and employees of the House, may go upon the floor of the House until within fifteen minutes of the hour of meeting. Volume **V,** section **7346.**

Origin of the employment of committee stenographers. Volume **V,** section **6958.**

Form of announcement to the Senate of the death of its Chief Clerk. Volume **V,** section **7175.**

EMPLOYEES—Continued.

(5) Of the House.—In General—Continued.

Charges being made against the Chief Clerk by a Member, the House ordered an investigation (footnote). Volume **I,** section **294.**

The Kansas committee of 1856 was empowered by the House to employ or dismiss clerks and assistant sergeants-at-arms and to administer oaths to them. Volume **III,** section **1752.**

On the death of an employee of long service, the House appointed a committee to attend the funeral. Volume **VIII,** section **3573.**

While customary to grant the widow of an employee of the House an amount equal to one-half of a year's salary, in exceptional instances the House has authorized payment of the full amount of the annual salary. Volume **VIII,** section **3600.**

Discussion as to the propriety of employees of the House accepting employment by agencies interested in pending legislation. Volume **VI,** section **397.**

The employment of persons in the service of the House having been authorized, resolutions designating individuals to fill such positions are not necessarily reported by the Committee on Accounts. Volume **VII,** section **2057.**

Communications announcing resignations of employees of the House from statutory offices are read and ordered to be laid on the table. Volume **VI,** section **33.**

The House Office Building Commission shall prescribe rules regulating employment in the House Office Building together with regulations governing the use and occupancy of rooms in the building. Volume **VIII,** section **3646.**

Officers and employees of the House may not remain near the Clerk's desk during a vote unless their duties so require. Volume **VI,** section **192.**

(6) Authorization of Provisions for, on General Appropriation Bills.

It is not in order to provide on an appropriation bill for payments to employees of the House unless the House by prior action has authorized the same. Volume **IV,** sections **3654, 3655.**

The House having passed a resolution from the Committee on Accounts authorizing the employment of a person, a provision for the salary is in order on an appropriation bill. Volume **VI,** section **3656.**

A law authorizing the employment of "watchmen, laborers, and other employees" was held not to contemplate such officials as superintendents and clerks in a department. Volume **IV,** section **3590.**

Construction of the law authorizing the employment of "watchmen, laborers, and other employeess" in the Executive Departments. Volume **IV,** section **4739.**

Construction of the law authorizing the employment of mechanics and laborers and other employees in the executive departments. Volume **VII,** section **1317.**

The House having passed a resolution from the Committee on Accounts directing the Committee on Appropriations to provide for paying a certain sum to a certain employee, an amendment to effect this purpose was held in order on an appropriation bill. Volume **IV,** sections **3657, 3658.**

The House having passed a resolution from the Committee on Accounts authorizing the employment of a person, a provision for the salary is in order on an appropriation bill, but such provision shall conform with the provisions of the resolution. Volume **VII,** section **1313.**

The recommendation of a committee of the House is not authorization sufficient to justify appropriations for House employees on the deficiency bill. Volume **IV,** sections **3661–3663.**

The statute requiring specific authorization and appropriation for clerks and other employees in the Executive Departments. Volume **IV,** section **3700.**

A general law authorizing certain employees when specifically provided for in an appropriation bill, a provision making the appropriation for them was held in order. Volume **IV,** section **3668.**

EMPLOYEES—Continued.

(6) Authorization of Provisions for, on General Appropriate Bills—Continued.

The law authorizing the heads of departments to employ such clerks as may be appropriated for does not apply to offices not attached to departments. Volume **IV,** sections **3670–3674.**

The law authorizing the heads of departments to employ such clerks as may be appropriated for does not apply to officers not allotted to departments or to officers not at the seat of government. Volume **IV,** sections **3670–3674.**

Statutory provision for such employees "as may be authorized by law" is construed to authorize appropriations to pay classes of employees so authorized. Volume **VII,** section **1325.**

Statutes authorizing the employment of such departmental clerks "as may be appropriated for by Congress from year to year" or "as Congress may from time to time provide" were held to warrant appropriations for clerkships not otherwise authorized. Volume **VII,** section **1316.**

Denial of use of an appropriation for payment of salaries of employees of the Department of Agriculture who forecast the price of agricultural products was construed as a proper limitation and in order on an appropriation bill. Volume **VII,** section **1663.**

The organic acts creating the Departments of Commerce and Labor, and subsequently the Department of Labor, were held to authorize lump-sum appropriations for special employees. Volume **VII,** section **1325.**

A proposition to repeal law authorizing employment of officers was held to effect a reduction of the number and salary of officers of the United States and to be in order on an appropriation bill. Volume **VII,** section **1514.**

The law creating the Department of Agriculture authorizes appropriations for salaries of employees essential to its proper maintenance without designating the names of positions in which they shall serve, and in the absence of statutory provision to the contrary it is in order in an appropriation bill to name such position or to change the name of any division, bureau, or office previously appropriated for. Volume **VII,** section **1330.**

While the organic law establishing a department permits additions to the regular force of employees by classes, the addition of specified employees is not authorized. Volume **VII,** section **1163.**

The law authorizing the heads of departments to employ such clerks as may be appropriated for was held to warrant an appropriation for clerks in the field force of the Civil Service Commission. Volume **VII,** section **1320.**

A proposition to increase the number of employees fixed by law was held to be legislation. Volume **VII,** section **1456.**

Transfer of employees from lump-sum to statutory roll is not legislation, but creation of new statutory position or increase in salary in making such transfer is subject to point of order. Volume **VII,** section **1460.**

The granting of quarters as part of the compensation of a civil employee without a proportionate reduction of salary was held to be contrary to law and not to be in order on an appropriation bill. Volume **VII,** section **1128.**

An appropriation for compensation of temporary employees to be fixed by the Executive was held to be authorized by law. Volume **VII,** section **1268.**

(7) Jurisdiction of Committees as to, Generally.

The Committee on reform in the Civil Service has exercised a general jurisdiction over bills relating to the status of officers, clerks, and employees in the civil branches of the Government. Volume **IV,** section **4297.**

The Committee on the Civil Service has exercised a general jurisdiction over bills relating to the status of officers, clerks, and employees in the civil branches of the Government. Volume **VII,** section **2018.**

EMPLOYEES—Continued.

(7) Jurisdiction of Committees as to, Generally—Continued.

The Committee on the Civil Service exercise exclusive jurisdiction of subjects relating to the retirement of employees in the classified civil service. Volume **VII,** section **2021.**

The classification of employees in the civil branches of the Government and their salaries are subjects within the jurisdiction of the Committee on the Civil Service. Volume **VII,** section **2020.**

The granting of indefinite leaves of absence to superannuated employees of the Post Office Department is a subject within the jurisdiction of the Committee on the Post Office and Post Roads and not the Committee on the Civil Service. Volume **VII,** section **2106.**

Matters relating to labor employed in the various branches of the Government service have been considered by the Committee on Labor. Volume **IV,** section **4250.**

A bill to provide housing for Government employees in the District of Columbia was held by the House to belong to the jurisdiction of the Committee on Public Buildings and Grounds and not to the Committee on Labor. Volume **VII,** section **2127.**

Legislative propositions relating to the fees and salaries of officers and employees of the Government have been considered by the various Committees on Expenditures. Volume **IV,** section **4317.**

The Committee on Printing has exercised an infrequent jurisdiction as to the pay of employees at the Government Printing Office. Volume **IV,** section **4348.** Volume **VII,** section **2096.**

Legislative propositions relating to organized activities of Government employees in the District have been reported by the Committee on the District of Columbia. Volume **VII,** section **2010.**

A resolution providing for the employment of a designated individual at a stated salary to be paid out of the contingent fund was held to be privileged when reported by the Committee on Accounts. Volume **VIII,** section **2303.**

(8) Reference to, in Election Cases.

The law providing that employees of the State do not thereby gain a residence in the place where employed does not imply that presumption of nonresidence may not be overcome by proof. Volume **II,** section **1021.**

Rumors that certain employees have been intimidated are not considered in an election contest. Volume **II,** section **943.**

Indefinite and uncertain intimidation by employers of labor does not justify rejection of a poll. Volume **II,** section **1028.**

Common rumor of an indefinite amount of intimidation of workingmen by employers was disregarded by the House. Volume **II,** section **971.**

Influence of a highway superintendent over his employees at the polls was held to be intimidation. Volume **II,** section **1004.**

Threats of an overseer to discharge employees must be supplemented by testimony of employees thus intimidated if the House is to correct or reject the return. Volume **II,** section **1054.**

EMPLOYEES COMPENSATION COMMISSION.

The compensation of Federal employees injured in performance of duty and the administration of the United States Employees Compensation Commission are subjects within the jurisdiction of the Committee on the Judiciary. Volume **VII,** section **1785.**

The Committee on the Judiciary have exercised jurisdiction over subjects pertaining to relations of workmen to employers. Volume **VII,** section **1769.**

EMPLOYMENTS.

The Committees on Expenditures in the several Departments have reported bills creating and abolishing offices and employments. Volume **IV,** section **4318.**

ENACTING CLAUSE.

(1) Form of.
(2) Motion to strike out.—Application and precedence of.
(3) Motion to strike out.—Effect of.
(4) Motion to strike out.—In relation to debate.
(5) Motion to strike out.—Consideration in House after Committee of Whole Reports.
(6) Motion to strike out.—When House disagrees with Committee of the Whole.

(1) Form of.

The statutes prescribe the form of enacting and resolving clauses of bills and joint resolutions. Volume **IV,** section **3367.** Volume **VII,** section **1034.**

An instance wherein the enacting words of a bill were declaratory as well as legislative in form. Volume **II,** section **1506.**

Forms of resolving clauses used in joint resolutions proposing amendments to the Constitution (footnote). Volume **V,** section **7029.**

A Senate joint resolution changed by amendment to the House to a concurrent resolution is still a Senate measure and the enacting clause conforms to that requirement. Volume **VII,** section **1044.**

(2) Motion to Strike Out.—Application and Precedence of.

The motion to strike out the enacting clause applies in the Committee of the Whole. Volume **V,** section **5332.**

The motion to strike out the enacting clause may be made until the first section of the bill has been read. Volume **V,** section **5327.** Volume **VIII,** section **2619.**

The motion to strike out the enacting words has precedence of a motion to amend. Volume **V,** section **5326.** Volume **VIII,** sections **2622, 2627.**

The motion to strike out the enacting clause has precedence of the motion to amend and may be offered while an amendment is pending. Volume **V,** sections **5328–5331.** Volume **VIII,** sections **2624–2626.**

A motion to strike out the enacting clause is, in effect, a preferential amendment, and in order at any time recognition is secured to offer it during the reading of the bill for amendment. Volume **VII,** section **787.**

The motion to strike out the enacting clause is not subject to amendment. Volume **VIII,** section **2626.**

After reading for amendment has begun in the Committee of the Whole the motion to strike out the enacting clause is in order at any time until the stage of amendment has been passed. Volume **VIII,** section **2367.**

The reading of a bill for amendment in Committee of the Whole being concluded, a motion to strike out the enacting clause is not in order. Volume **IV,** section **4782.** Volume **VIII,** section **2368.**

As the motion to strike out the enacting clause is not in order until the first section of a bill has been read, or after reading for amendment has been concluded, where a bill contained but one paragraph the motion was entertained at the conclusion of the reading of the bill. Volume **VIII,** section **2618.**

A special order providing that a bill should be open to amendment in Committee of the Whole was held to prevent a motion to strike out the enacting clause. Volume **IV,** section **3215.**

A special order providing that a bill should be considered for amendment under the 5-minute rule was construed to admit the motion to strike out the enacting clause. Volume **VII,** section **787.**

A second motion to strike out the enacting clause is in order only when the bill has been materially modified by amendment. Volume **VIII,** sections **2635, 2636.**

In the Committee of the Whole it is in order to move that the committee rise and report to the House with the recommendation that the enacting clause be stricken out. Volume **VIII,** section **2622.**

ENACTING CLAUSE—Continued.

(2) Motion to Strike Out.—Application and Precedence of—Continued.

A motion to rise and report with the recommendation that the enacting clause be stricken out is in order at any time after the reading of the bill begins and before the stage of amendment has been passed, and takes precedence over the motion to rise and report with favorable recommendation. Volume **VIII,** section **2620.**

On adoption by Committee of the Whole of the recommendation that the enacting clause be stricken out the committee rises automatically. Volume **VIII,** section **2629.**

(3) Motion to Strike Out.—Effect of.

Striking out the enacting words of a bill constitutes its rejection. Volume **V,** section **5326.**

Instance wherein the House, having stricken out the enacting clause of a Senate bill, informed the Senate that they had rejected the bill. Volume **IV,** section **3423.**

Instances of the former practice of using the motion to strike out the enacting words as a means of taking bills from the Committee of the Whole. Volume **V,** sections **5342–5344.**

Instance of a bill taken from the Committee of the Whole by striking out the enacting clause. Volume **V,** section **5331.**

(4) Motion to Strike Out.—In Relation to Debate.

The motion to strike out the enacting clause has the status of a motion to amend and is governed by the same rules of debate. Volume **VIII,** section **2627.**

On a motion to strike out the enacting clause a Member may debate the merits of the bill, but must confine himself to its provisions. Volume **V,** section **5336.**

In Committee of the Whole the motion to strike out the enacting clause is debatable, and in later usage is governed by the five-minute rule. Volume **V,** sections **5333–5335.**

In Committee of the Whole the motion to strike out the enacting clause is debatable under the five-minute rule limiting the time to five minutes on each side. Volume **VIII,** sections **2629, 2630.**

In Committee of the Whole the motion to strike out the enacting clause is debatable under the five-minute rule even after debate has been closed by motion on the pending section and amendments thereto. Volume **VIII,** section **2628.**

An order of Committee of the Whole closing debate on the pending section and amendments thereto is not applicable to a motion to strike out the enacting clause. Volume **VIII,** section **2632.**

The motion to strike out the enacting clause is debatable and debate thereon is under the five-minute rule and may be closed on motion at any time after debate has begun. Volume **VIII,** sections **2618, 2631.**

Five minutes having been consumed in debate in favor of a motion to strike out the enacting clause in Committee of the Whole and five minutes against the motion, further debate was held to be precluded by a demand for the regular order. Volume **VIII,** section **2627.**

Debate having been exhausted in Committee of the Whole on a proposed recommendation to strike out the enacting clause, a motion to strike out the last word of the motion is not in order, and additional time for debate may not be secured by offering a pro forma amendment. Volume **VIII,** section **2629.**

A point of order against the motion to strike out the enacting clause must be made before debate has begun. Volume **V,** section **6902.** Volume **VIII,** section **3442.**

While the motion to strike out the enacting clause is pending in the Committee of the Whole the pro forma amendment to strike out the last word is not entertained. Volume **VIII,** section **2627.**

A Member rising to make a parliamentary inquiry may not under that guise offer a motion to strike out the enacting clause, but must have the floor in his own right for that purpose. Volume **VIII,** section **2625.**

ENACTING CLAUSE—Continued.

(5) Motion to Strike Out.—Consideration in House After Committee of the Whole Reports.

A bill being reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, the motion to concur is debatable in the House. Volume **V,** sections **5337–5340.**

The motion to strike out the enacting clause is a motion to amend and yields to the motion to refer when reported to the House from the Committee of the Whole. Volume **VIII,** section **2634.**

A bill being reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, a motion to lay on the table is not in order. Volume **V,** section **5337.**

A bill being reported from the Committee of the Whole with the recommendation that the enacting words be stricken out, the previous question may be moved on a motion to concur without applying to further action on the bill. Volume **V,** section **5342.**

The Member on whose motion the enacting clause of a bill is stricken out in Committee of the Whole is entitled to prior recognition when the bill is reported to the House. Volume **V,** section **5337.**

When a bill is reported from the Committee of the Whole with the recommendation that the enacting clause be stricken out, right to prior recognition passes from the Member in charge to the leading opponent of the bill. Volume **VIII,** section **2629.**

A motion to reconsider the vote by which recommendation of the Committee of the Whole House that the enacting clause of a bill on the private calendar be stricken out was agreed to, may be entered on any day on which recognition is had for that purpose, but the motion may be taken up for consideration on private calendar Friday only. Volume **VII,** section **2786.**

When the House disagrees to the recommendation of the Committee of the Whole that the enacting words of a bill be stricken out, the bill goes back to the Calendar of the Committee of the Whole as unfinished business. Volume **VIII,** section **2633.**

(6) Motion to Strike Out.—When House Disagrees with Committee of the Whole.

When the House disagrees to the recommendation of the Committee of the Whole that the enacting words of a bill be stricken out, the bill goes back to the Calendar of the Committee of the Whole as unfinished business. Volume **V,** sections **5345, 5346.**

When the House disagrees to the recommendation of the Committee of the Whole that the enacting words of a bill be stricken out, the bill stands recommitted to the Committee of the Whole unless the House refer it otherwise. Volume **V,** section **5326.**

The vote by which the enacting clause of a bill on the private calendar was stricken out being reconsidered, the question is pending on agreeing to the recommendation of the Committee of the Whole and being decided in the negative, sends the bill back to the private calendar. Volume **VIII,** section **2786.**

ENDORSEMENT.

Form of precept prescribed by the Senate to be indorsed on the writ of summons to Judge Pickering. Volume **III,** section **2329.**

ENFORCEMENT.

The Sergeant-at-Arms is authorized by rule to employ necessary aid to enforce the lawful orders,writs, etc., of the Senate sitting on impeachment trials. Volume **III,** section **2158.**

The House has by resolution directed the enforcement of the statute providing for deductions by the Sergeant-at-Arms from the pay of Members and Delegates absenting themselves without leave. Volume **VI,** section **30.**

ENGLAND.

The West Virginia election case of Taylor v. England, in the Seventieth Congress. Volume **VI,** section **177.**

ENGLISH.

The Indiana election case of English v. Peelle in the Forty-eighth Congress. Volume **II,** section **990.**

The California election case of English v. Hilborn in the Fifty-third Congress. Volume **II,** section **1050.**

The inquiry into the conduct of Judge George W. English, United States judge for the eastern judicial district of Illinois. Volume **VI,** section **544.**

ENGLISH PRECEDENTS.

(1) In procedure of the House.—General Influence of.
(2) In procedure of the House.—Practice as to motions, etc., before adoption of rules.
(3) In procedure of the House.—In investigations.
(4) In procedure of the House.—In cases of contempt.

(1) In Procedure in the House.—General Influence of.

Reference to the force which should be given to the law of Parliament by the House of Representatives. Volume **I,** section **757.**

Instance wherein the House has abandoned a usage of Parliament as unapplicable to existing conditions. Volume **V,** section **6727.**

References to the parliamentary law as a guide, not as a rule. Volume **III,** section **2660.**

An instance wherein the precedents of Parliament were revoked and discussed. Volume **III,** section **1727.**

References to the precedents of Parliament. Volume **II,** sections **1622, 1633.** Volume **IV,** section **3334.** Volume **V,** section **6120.**

The House very early found the law of Parliament inapplicable in the case of resignation. Volume **II,** section **1230.**

History of the process by which the House changed the previous question of Parliament into an instrument for closing debate and bringing a vote on the pending matter. Volume **V,** section **5445.**

The House has long since discarded the use of the parliamentary motion to proceed to the orders of the day. Volume **V,** section **5301.**

The House is governed by the rules of Jefferson's Manual in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the House. Volume **V,** section **6757.**

(2) In Procedure of the House.—Practice as to Motions, etc., Before Adoption of Rules.

Before the adoption of rules the House proceeds under general parliamentary law, founded on Jefferson's Manual and modified by the practice of American legislative assemblies, especially of the House of Representatives. Volume **V,** sections **6761–6763.**

Before rules are adopted the House is governed by general parliamentary law, but the Speakers have been inclined to give weight to the precedent of the House in modifying the usual constructions of that law. Volume **V,** sections **6758–6760.**

The parliamentary method of raising a committee to investigate an alleged error in the journal has not been utilized. Volume **IV,** section **2809.**

Under general parliamentary law the Member who yields the floor yields it entirely. Volume **V,** sections **5038–5040.**

A call of the House is in order both under the general parliamentary law and the Constitution. Volume **IV,** section **2891.**

Before the adoption of rules, while the House proceeds under general parliamentary law, the motion for the previous question is admissible. Volume **V,** section **5450.**

Before the adoption of rules the previous question has been admitted, although in the earlier practice it was conceived to differ somewhat from the previous question of the rules. Volume **V,** sections **5451–5455.**

The motion to lay on the table is admitted under general parliamentary law. Volume **V,** section **5390.**

ENGLISH PRECEDENTS—Continued

(2) In Procedure of the House.—Practice as to Motions, etc., Before Adoption of Rules— Continued.

Under the general parliamentary law the motion to lay on the table is used merely to put aside a matter which may be called for at any time. Volume **V,** section **5389.**

The motion to lay on the table an appeal from a decision of the Chair may be made under general parliamentary law before the adoption of rules. Volume **V,** section **5440.**

Under the custom of the House, which differs somewhat from the general parliamentary law, the motion to fix the day to which the House shall adjourn is not debatable. Volume **V,** sections **5379, 5380.**

As to the extent of debate under the general parliamentary law on a motion to fix the day to which the House shall adjourn. Volume **V,** sections **5379, 5380.**

Before the adoption of rules, while the House was acting under general parliamentary law, it was held that the motion to commit was in order pending the motion for the previous question or after it had been ordered on a resolution. Volume **V,** section **5825.**

Before the adoption of rules, while the House was acting under the general parliamentary law, it was held that the motion to commit was in order pending the motion for the previous question or after it had been ordered on a resolution. Volume **V,** section **5604.**

Under the common parliamentary law amendments need not be germane. Volume **V,** section **5825.**

Before the adoption of rules, while the House was acting under the general parliamentary law, it was held that the right to demand tellers did not exist. Volume **V,** section **6002.**

(3) In procedure of the House.—In Investigations.

The parliamentary law as to the examination of witnesses. Volume **III,** section **1768.**

In a debate as to the right of the House to compel the attendance of witnesses for a legislative inquiry the precedents of Parliament was considered. Volume **III,** sections **1816–1820.**

The rule of Parliament relating to members implicated by testimony discussed but not applied. Volume **III,** section **1844.**

A modification of the rule of Parliament in reference to the communication of testimony. Volume **III,** section **1851.**

(4) In Procedure of the House.—In for Cases of Contempt.

Discussion of the right of the House punish for contempt, with references to English precedents. Volume **III,** section **1667.**

Reference to English precedents as to power to punish for contempts. Volume **II,** section **1627.**

Argument that the parliamentary law as to contempt does not apply to the House. Volume **II,** section **1619.**

References to English precedents in the Kilbourn case. Volume **II,** section **1611.**

Jefferson's summary of the privileges of the members of Parliament. Volume **III,** section **2668.**

The power to punish contempt vested in the House of Commons is not conferred by the Constitution upon Congress. Volume **VI,** section **534.**

ENGROSSMENT OF BILLS.

(1) Rules and law for.
(2) Reading of an engrossed bill.
(3) In relation to amendment and votes.
(4) In relation to bills from the other House.

(1) Rules and Law for.

The rule for the reading, engrossment, and passage of bills. Volume **IV,** section **3391.**

The rules and law for the engrossment and enrollment of bills. Volume **IV,** sections **3433–3437.**

In the last six days of a session the engrossing and enrolling of bills by hand instead of printing may be authorized by concurrent resolution. Volume **IV,** sections **3438, 3439.**

During the last six days of a session Congress may, by concurrent resolution, modify the requirement of rule and law as to the engrossing and enrolling of bills. Volume **IV,** sections **3434, 3435.**

ENGROSSMENT OF BILLS—Continued.

(1) Rules of Law for—Continued.

The rules of the House do not require the report of a committee as to the accuracy of the engrossed copy of a bill. Volume **IV,** section **3428.**

The rule confers on the Committee on Enrolled Bills "the enrollment of engrossed bills." Volume **IV,** section **4350.**

(2) Reading of an Engrossed Bill.

A Member may demand the reading in full of the actual engrossed copy of a bill, and although the previous question be ordered the bill on demand is laid aside until engrossed. Volume **IV,** sections **3395–3399.** Volume **VII,** section **1062.**

The previous question having been ordered on a bill, the reading of the engrossed copy of which has been demanded after order for reading has been agreed to but deferred pending arrival of the actual engrossed copy, is privileged when the engrossed copy is received in the House. Volume **VII,** section **1062.**

The reading in full of the engrossed copy of a bill should be demanded before it has been read a third time by title. Volume **IV,** sections **3403, 3404.**

The proper time to demand the reading of the engrossed copy is immediately after ordered to be engrossed and before read a third time by title. Volume **VII,** section **1061.**

The right to demand the reading in full of the engrossed copy of a bill exists only immediately after it has passed to be engrossed and not at later stages. Volume **IV,** section **3400.**

A bill having been read a third time by title and the yeas and nays being ordered on the passage, it is too late to demand the reading in full of the engrossed copy. Volume **IV,** section **3402.**

A special order does not deprive the Member of his right to demand the reading of the engrossed bill. Volume **IV,** section **3401.**

The consideration of a bill under special order takes precedence of reading of engrossed copy of bill on which the previous question has been ordered. Volume **VII,** section **764.**

(3) In Relation to Amendment and Votes.

A bill is not amended on its first reading, but pending the engrossment and third reading. Volume **V,** section **5781.**

The question on the engrossment and third reading being decided in the negative, the bill is rejected. Volume **IV,** sections **3420, 3421.**

A motion to reconsider the vote on the engrossment of a bill may be admitted after the previous question has been moved on a motion to postpone. Volume **V,** section **5663.**

Pending the engrossment of a general appropriation bill an amendment proposing legislation may be authorized by the adoption of a report from the Committee on Rules. Volume **IV,** section **3844.**

Conference reports in citing amendments must refer to the engrossed copies of the bill and amendments and not to reprints. Volume **VIII,** section **3297.**

In voting on the engrossment and third reading and passage of a bill, separate vote on the various propositions of the bill may not be demanded. Volume **VIII,** section **3172.**

(4) In Relation to Bills From the Other House.

The House may not consider a Senate bill unless in possession of the engrossed copy, but may at once direct that the Clerk request a duplicate engrossed copy of the bill. Volume **IV,** section **3425.** Volume **VII,** section **1063.**

A House bill with Senate amendment being lost by a House committee, the House ordered a duplicate engrossed copy of the bill and requested of the Senate a copy of the amendment. Volume **IV,** sections **3473, 3474.**

A House bill with Senate amendments having been lost, the House agreed to an order for re-engrossment of the bill, and directed the Clerk to request from the Senate a copy of its amendment thereto. Volume **VII,** section **1074.**

ENGROSSMENT OF BILLS—Continued.

(4) In Relation to Bills From the Other House—Continued.

Form of resolution requesting of the Senate a duplicate copy of one of its bills. Volume **IV,** sections **3470–3472.**

The Secretary of the Senate having omitted to sign certain engrossed Senate bills before they were sent to the House, he was admitted to affix his signature. Volume **IV,** section **3427.**

There being an error in an engrossed House bill sent to the Senate, a request was made that the Clerk be permitted to make correction. Volume **IV,** section **3465.**

ENLOE.

The Tennessee election case of Thrasher v. Enloe in the Fifty-third Congress. Volume **II,** section **1051.**

ENROLLED BILLS.

(1) Rule, law, and practice as to.
(2) Committee on, history, privilege, and functions.
(3) Correction of errors in.
(4) Signing of, by the Speaker.
(5) Cancellation of Speaker's signature in certain cases.
(6) Presentation of bills to the President.
(7) Signing of, by President.
(8) Correction of errors of bills transmitted to President.
(9) In general.

(1) Rule, Law, and Practice as to.

The rules and law for the engrossment and enrollment of bills. Volume **IV,** sections **3433–3437.**

When enrolled, bills are printed on parchment in accordance with the provisions of joint rules confirmed by statute. Volume **IV,** sections **3433–3437.**

The printing, enrolling, signing, and certification of bills on their passage between the two Houses are governed by usages founded on former joint rules. Volume **IV,** section **3430.**

The engrossment of bills in enrollment was not changed for printing until after long consideration (footnote). Volume **IV,** section **3437.**

In the last six days of a session the engrossing and enrolling of bills by hand instead of printing may be authorized by concurrent resolution. Volume **IV,** sections **3438, 3439.**

During the last six days of a session Congress may, by concurrent resolution, modify the requirement of rule and law as to the engrossing and enrolling of bills. Volume **IV,** sections **3434, 3435.**

The House may, by suspension of the rules, waive the usual requirements as to the examination of enrolled bills. Volume **IV,** section **3441.**

Only in a very exceptional case has Congress waived the strict requirements as to the enrollment of bills. Volume **IV,** section **3442.**

The enrolling clerks should make no change, however unimportant, in the text of a bill to which the House has agreed. Volume **III,** section **2598.**

Joint resolutions proposing amendments to the Constitution, although not requiring the approval of the President, have their several readings and are enrolled and signed by the Speaker (footnote). Volume **V,** section **7029.**

The articles of impeachment of Judge Pickering were enrolled after they were agreed to by the House. Volume **III,** section **2323.**

A resolution for the reenrollment and signing of a bill which the President had declined to sign for constitutional reasons was held to be privileged. Volume **IV,** section **3493.**

ENROLLED BILLS—Continued.

(2) Committee on, History, Privilege, and Functions.

The creation and history of the Joint Committee on Enrolled Bills, section 58 of Rule XI. Volume **IV,** section **4350.**

Recent history of the Joint Committee on Enrolled Bills, section 43 of Rule XI. Volume **VII,** section **2099.**

The rule confers on the Committee on Enrolled Bills "the enrollment of engrossed bills." Volume **IV,** section **4350.**

Present practice of comparison of bills for enrollment under direction of the Committee on Enrolled Bills. Volume **IV,** section **3440.**

The Committee on Rules, Elections, Ways and Means, Appropriations, Rivers and Harbors, Public Lands, Territories, Enrolled Bills, Invalid Pensions, Printing, and Accounts may report at any time on certain matters. Volume **IV,** section **4621.** Volume **VIII,** section **2251.**

The privilege of the Committee on Enrolled Bills to report at any time has been long confined to the reporting of enrolled bills. Volume **IV,** section **4640.**

By usage of the House requests for leaves of absence and reports of the Committee on Enrolled Bills may be presented pending the announcement of the vote that the House adjourn. Volume **IV,** section **3151.**

Sometimes on the informal rising of the Committee of the Whole the House, by unanimous consent, transacts business, such as the presentation of enrolled bills, the swearing in of a Member, or consideration of a message. Volume **IV,** sections **4788–4791.**

The Senate has especially empowered its Committees on Printing, Enrolled Bills, and Library to act in conjunction with similar House committees. Volume **IV,** section **4416.**

(3) Correction of Errors in.

The correction of an enrolled bill is sometimes ordered by concurrent resolution of the two Houses. Volume **IV,** sections **3446–3450.**

The Committee on Enrolled Bills sometimes reports an amendment to correct a clerical error. Volume **IV,** section **3444.**

A clerical error in a bill has been corrected by joint action of the Committees on Enrolled Bills of the two Houses. Volume **IV,** section **3445.**

Question as to the disposition of an enrolled bill in a case where the beneficiary had died before the bill was signed by the Speaker. Volume **IV,** sections **3468, 3469.**

Authority to correct an error in enrolling a bill was conferred on the Clerk by concurrent resolution. Volume **VII,** section **1068.**

(4) Signing of, by the Speaker.

The rule and practice as to the enrolling and signing of bills and their presentation to the President. Volume **IV,** section **3429.**

Enrolled bills are signed first by the Speaker, then by the President of the Senate. Volume **IV,** section **3429.**

A Member called to the chair during the day's sitting does not sign enrolled bills. Volume **II,** sections **1399, 1400,** Volume **VI,** section **276.**

A Speaker pro tempore whose designation has received the approval of the house signs enrolled bills and appoints committees. Volume **II,** section **1404.**

Form of resolution approving designation of Speaker pro tempore and authorizing him to sign enrolled bills and appoint committees. Volume **VI,** section **272.**

The House approved the designation of a Speaker pro tempore as a prerequisite to his signing enrolled bills. Volume **VI,** section **278.**

A Speaker pro tempore elected by the House is sworn as a prerequisite to signing enrolled bills. Volume **VI,** section **274.**

A Speaker pro tempore whose designation had received the approval of the House signed enrolled bills. Volume **VI,** section **277.**

The Senate by resolution empowered its acting President pro tempore to sign enrolled bills. Volume **II,** section **1402.**

ENROLLED BILLS—Continued.

(4) Signing of, by the Speaker—Continued.

The Speaker declines to sign an enrolled bill until a pending motion to reconsider has been disposed of. Volume **V,** section **5705.**

The Speaker may not sign an enrolled bill in the absence of a quorum. Volume **III,** section **3458.**

While the House was balloting for the election of a President of the United States in 1801 the Speaker signed enrolled bills, and messages were received but not acted on (footnote). Volume **III,** section **1983.**

A final conference report providing that the House recede from the only disagreement was agreed to by the House and then the presiding officers of the two Houses signed the bill, although the Senate had not acted on the report. Volume **V,** section **6587.**

The House may by unanimous consent authorize the Speaker to sign an enrolled bill that is not certified by report of the committee. Volume **IV,** section **3452.**

(5) Cancellation of Speaker's Signature in Certain Cases.

Bills having been prematurely enrolled and signed by the presiding officers, the two Houses authorized the cancellation of the signatures. Volume **IV,** section **3454.**

An error having been discovered in an enrolled bill, the House authorized the Speaker to erase his signature, and the error was corrected by a concurrent resolution. Volume **IV,** section **3453.**

By unanimous consent the Speaker, on request of the Senate, was authorized to cancel his signature to an enrolled pension bill, the beneficiary of which was dead. Volume **IV,** sections **3455, 3456.**

A request of the Senate that the House vacate the signature of the Speaker to an enrolled bill was denied by the House, unanimous consent being refused. Volume **IV,** section **3457.** Volume **VII,** section **1083.**

Dicta to the effect that a request of the Senate for cancellation of the Speaker's signature and the return of an enrolled bill could be taken up for consideration under suspension of the rules. Volume **VII,** section **1083.**

An error in the enacting clause of an enrolled bill was corrected by a second enrollment and a second signature by the Speaker. Volume **IV,** section **3451.**

Proceedings in correcting an error where the Speaker had signed the enrolled copy of a bill which had not passed. Volume **IV,** section **3459.**

The action of the Speaker in signing an enrolled bill was rescinded and the bill was amended by a concurrent resolution. Volume **VII,** section **1080.**

A concurrent resolution authorized the presiding officers of the two Houses to cancel their signatures to an enrolled bill failing to conform to recommendations of the Secretary of War. Volume **VII,** section **1077.**

By concurrent resolution, the action of the Speaker and the Vice President in signing an enrolled bill was rescinded and the bill amended. Volume **VII,** section **1078.**

(6) Presentation of Bills to the President.

Enrolled bills are presented to the President by the Committee of Enrollment. Volume **IV,** section **3429.**

In early days a joint committee took enrolled bills to the President of the United States. Volume **IV,** section **3432.**

Enrolled bills are take to the President by the chairman of the Committee on Enrolled Bills. Volume **VIII,** section **2601.**

It has long been the practice for the chairman of the Committee on Enrolled Bills to present bills to the President of the United States for his signature. Volume **IV,** section **3493.**

The method of presenting bills to the President of the United States has been considered but not settled by either law or rule. Volume **IV,** section **3494.**

The certification and presentation of enrolled bills to the President is governed by usage founded on former joint rules. Volume **IV,** section **3430.**

ENROLLED BILLS—Continued.

(6) Presentation of Bills to the President—Continued.

The Committee on Enrolled Bills reports for entry on the Journal the date of presentation of bills to the President. Volume **IV,** section **3430.**

The chairman of the Committee on Enrolled Bills reports daily the enrolled bills presented to the President of the United States for approval. Volume **IV,** section **3431.**

Instance wherein a bill enrolled and signed by the presiding officers of the two Houses of one session was sent to the President and approved at the next session. Volume **IV,** section **3486.**

Enrolled bills pending at the close of a session were at the next session of the same Congress ordered to be treated as if no adjournment had taken place. Volume **IV,** sections **3487, 3488.**

There having been no unreasonable delay in transmitting an enrolled bill to the President, a resolution relating thereto was decided not to present a question of privilege. Volume **III,** section **2601.**

Joint resolutions proposing amendments to the Constitution are when passed filed with the Secretary of State by the Committee on Enrolled Bills. Volume **V,** section **7041.**

(7) Signing of, by President.

The approval of a bill by the President of the United States is valid only with his signature. Volume **IV,** section **3490.**

An enrolled bill when signed by the President is deposited in the office of Secretary of State. Volume **IV,** section **3429.**

The President usually informs the House of his signature to a bill, but this is not necessary to the validity of the act. Volume **IV,** section **3495.**

In 1842 a committee of the House discussed the act of President Jackson in writing above his signature of approval a memorandum as to his construction of the bill. Volume **IV,** section **3492.**

The act of President Tyler in filing with a bill an exposition of his reasons for signing it was examined and severely criticized by a committee of the House. Volume **IV,** section **3492.**

There is much doubt as to whether a bill which remains with the President ten days without his signature, Congress having meanwhile adjourned for a recess, becomes a law. Volume **IV,** section **3493.**

A question as to the return of a vetoed bill, Congress being in recess beyond the limit of ten days. Volume **IV,** section **3496.**

(8) Correction of Errors of Bills Transmitted to President.

An instance where the President returned a bill already signed by him in order that the enrollment might be corrected. Volume **IV,** section **3505.**

A bill wrongly enrolled was recalled from the President, who erased his signature, and recommitted to the Committee on Enrolled Bills with instructions. Volume **IV,** section **3506.**

A bill that had not actually passed having been enrolled and signed by the President of the United States was disregarded by the Executive and Congress passed another bill. Volume **IV,** section **3498.**

Instance wherein an enrolled bill recalled from the President was afterwards amended (footnote). Volume **IV,** section **3508.**

The process of recalling from the President and amending an enrolled bill. Volume **IV,** sections **3510–3518.**

Instance of reconsideration of a bill which had passed both houses. Volume **IV,** sections **3466–3469.**

A proposition to correct an enrolled bill that has become a law may not be presented as privileged. Volume **VIII,** section **2600.**

(9) In General.

Instance in which an enrolled bill was amended by concurrent resolution. Volume **VII,** section **1041.**

ENROLLED BILLS—Continued.

(9) In General—Continued.

Instance wherein an enrolled bill recalled from the President was afterwards amended. Volume **VII,** section **1091.**

A Senate bill having been lost in the House after enrollment and signature by the Speaker, a Senate resolution authorized the preparation and delivery of a duplicate copy, which was signed by the Speaker without further action by the House. Volume **VII,** section **1072.**

ENROLLING CLERK.

The enrolling clerks should make no change, however unimportant, in the text of the bill to which the House has agreed. Volume **III,** section **2598.**

ENTRIES

The subjects of the mineral land laws and claims and entries thereunder have been within the jurisdiction of the Committee on Mines and Mining. Volume **IV,** section **4228.** Volume **VII,** section **1955.**

Bills of lading, liability of shipowners, and entering and clearing of vessels are subjects which have been within the jurisdiction of the Committee on Interstate and Foreign Commerce. Volume **IV,** section **4137.**

A bill providing for agricultural entries of coal lands in Alaska was held to be privileged as a reservation of the public lands for actual settlers. Volume **VIII,** section **2290.**

The Committee on the Public Lands has exercised jurisdiction over subjects relating to mineral lands of the public domain and the entry of such lands for homestead and agricultural purposes. Volume **VII,** section **1926.**

A bill authorizing those failing to perfect a prior entry to make a second entry under the homestead law does not involve such a "reservation of the public lands" as to come within the privilege of the Committee on Public Lands to report at any time. Volume **VIII,** section **2283.**

ENTRY, PORTS OF.

In the later practice of the House subjects relating to transportation of dutiable goods, ports of entry and delivery, and customs collection districts have been reported by the Committee on Ways and Means. Volume **IV,** section **4026.**

EPES.

The Virginia election case of Goode v. Epes in the Fifty-third Congress. Volume **II,** sections **1057, 1058.**

The Virginia election case of Thorp v. Epes in the Fifty-fifth Congress. Volume **II,** sections **1098, 1099.**

EPITHETS.

The application of epithets which subject a Member to ridicule give rise to a question of privilege. Volume **VI,** section **562.**

EROSION.

The Committee on Rivers and Harbors and not the Committee on Flood Control was deemed to have jurisdiction over proposed legislation relating to the erosion of banks along navigable streams. Volume **VII,** section **1838.**

ERRORS.

(1) In procedure of the House.—In the Journal.
(2) In procedure of the House.—In messages.
(3) In procedure of the House.—In reference of bills.
(4) In procedure of the House.—In consideration of bills.
(5) In procedure of the House.—In signing of bills.
(6) In procedure of the House.—In engrossed bills.
(7) In procedure of the House.—In enrolled bills.
(8) In procedure of the House.—In the result of a vote.

ERRORS—Continued.

(9) In procedure of the House.—In result of a vote as related to Speaker's vote.

(10) In procedure of the House.—In the Member's vote.

(11) In procedure of the House.—In general.

(1) In Procedure of the House.—In the Journal.

The parliamentary method of raising a committee to investigate an alleged error in the Journal has not been utilized. Volume **IV,** section **2809.**

Proceedings of the House rendered null through discovery of errors are not properly entered on the Journal. Volume **IV,** section **2814.**

Instance wherein the Speaker ruled out of order a motion to amend the Journal by inserting a record of proceedings that became null through errors. Volume **IV,** section **2814.**

Where a Member votes and the Journal fails to include his name among the yeas and nays he may demand a correction as a matter of right before the approval of the Journal. Volume **V,** section **5969.**

The House having approved the Journal of the preceding day, a resolution to correct an alleged error in a vote of that day, which had been discussed before the vote of approval, was held not to be of privilege. Volume **III,** section **2620.**

While the regular time for amending the Journal expires with its approval, yet this rule has sometimes been waived for the correction of a yea and nay vote. Volume **IV,** sections **2767–2769.**

Although the Journal had been approved, the Speaker admitted as privileged a motion to correct a manifest error which would deprive a Member of certain rights as to the pending question. Volume **IV,** section **2788.**

(2) In Procedure of the House.—In Messages.

One House may correct an error in its message to the other, the receiving House concurring in the correction. Volume **V,** sections **6607, 6608.**

If the messenger commit an error he may be admitted or called in to correct it. Volume **V,** section **6590.**

The request of the Senate that its Secretary be allowed to correct an error in a message was granted by order of the House. Volume **V,** section **6605.**

Correction of an error whereby a Senate amendment to a House bill had failed to be included in a message. Volume **V,** section **6606.**

A proposition to correct an error in a message to the Senate presents a question of privilege. Volume **III,** section **2613.**

(3) In procedure of the House.—In Reference of Bills.

Rules for correction of erroneous reference of private and public bills. Volume **IV,** section **3364.**

The erroneous reference of a public bill, if uncorrected, in effect gives jurisdiction to the committee receiving it. Volume **VII,** section **2108.**

The rule provides that errors in the reference of public bills may be corrected after the reading of the Journal in certain specified ways. Volume **IV,** section **4377.**

The erroneous reference of a public bill remaining uncorrected, it is too late to raise the question of jurisdiction when reported by the committee to which referred. Volume **VII,** section **1489.**

Errors in the reference of petitions and private bills are corrected at the Clerk's table, without action by the House, at the suggestion of the committee having possession. Volume **IV,** section **4379.**

The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration either in the House or in the Committee of the Whole. Volume **VII,** section **2132.**

The erroneous reference of a petition or private bill referred by the Member under the rule does not confer jurisdiction on the committee receiving it. Volume **IV,** section **3364.**

ERRORS—Continued.

(3) In procedure of the House.—In Reference of Bills—Continued.

A bill being alleged to be improperly before the Committee of the Whole, a motion to report it with recommendations was held in order before it had been considered for amendment. Volume **IV,** section **4784.**

A motion to correct an error in referring a bill to the proper Calendar presents a question of privilege. Volume **III,** sections **2614, 2615.**

Consideration by a committee to which erroneously referred does not preclude consideration of a motion to change the reference of a bill when properly offered. Volume **VII,** section **2128.**

Bills erroneously referred to calendars are transferred to the proper calendar by direction of the Speaker. Volume **VII,** section **859.**

A bill erroneously referred to the House Calendar was transferred to the Union Calendar as of date of original reference by direction of the Speaker. Volume **VI,** section **746.**

The right of the Speaker to correct the erroneous reference of bills to the calendars does not apply to references made by the House. Volume **VI,** section **749.**

(4) In Procedure of the House.—In Consideration of Bills.

The House having been misled in regard to the nature of a bill which it passed, a report on the subject was received as privileged. Volume **IV,** section **3383.**

A resolution to recall from the Senate a bill alleged to have passed the House improperly was held to be privileged. Volume **IV,** section **3479.**

A bill which had not in fact passed the House having been sent to the Senate by error, a resolution requesting its return was entertained as a matter of privilege. Volume **IV,** section **3478.**

The vote on the passage of a bill was reconsidered in order to remedy the omission to read it a third time. Volume **IV,** section **3406.**

During consideration of a bill by sections for amendments the Chair may direct a return to a section where, by error, no action was had on a pending amendment. Volume **IV,** section **4750.**

The passage of a bill by the House is not invalidated by the fact that the Committee of the Whole reported it on an erroneous supposition that a record vote had disclosed a quorum. Volume **IV,** section **2972.**

(5) In Procedure of the House.—In Signing of Bills.

Bills have been prematurely enrolled and signed by the Presiding Officers, the two Houses authorized the cancellation of the signature. Volume **IV,** section **3454.**

Proceedings in correcting an error where the Speaker had signed the enrolled copy of a bill which had not passed. Volume **IV,** section **3459.**

The Secretary of the Senate having omitted to sign certain engrossed Senate bills before they were sent to the House, he was admitted to affix his signature. Volume **IV,** section **3427.**

(6) In Procedure of the House.—In Engrossed Bills.

The Clerk is sometimes authorized to make a merely formal amendment to a bill that has passed the House. Volume **IV,** section **3443.**

It is a common occurrence for one House to ask of the other the return of a bill for the correction of errors or otherwise. Volume **IV,** sections **3460–3464.**

There being an error in an engrossed House bill sent to the Senate, a request was made that the Clerk be permitted to make correction. Volume **IV,** section **3465.**

Process of recalling a bill from the Senate in order to correct an error in the number. Volume **IV,** section **3476.**

Instance wherein the Clerk was authorized to make such clerical changes in the table of contents, numbering and lettering, erroneous or superfluous cross references and other purely formal amendments as were required to conform to the action of the House and secure uniformity in typography, indentation, and numerical order of the text of a bill. Volume **VII,** section **1067.**

ERRORS—Continued.

(7) In Procedure of the House.—In Enrolled Bills.

The correction of an enrolled bill is sometimes ordered by concurrent resolution of the two Houses. Volume **IV,** sections **3446–3450.**

Authority to correct an error in enrolling a bill was conferred on the Clerk by concurrent resolution. Volume **VII,** sections **1068, 1069.**

An error in the enacting clause of an enrolled bill was corrected by a second enrollment and a second signature by the Speaker. Volume **IV,** section **3451.**

A clerical error in a bill has been corrected by joint action of the Committees on Enrolled Bills of the two Houses. Volume **IV,** section **3445.**

The Committee on Enrolled Bills sometimes reports an amendment to correct a clerical error. Volume **IV,** section **3444.**

An error having been discovered in an enrolled bill, the House authorizes the Speaker to erase his signature, and the error was corrected by a concurrent resolution. Volume **IV,** section **3453.**

The enrolling clerks should make not change, however unimportant, in the text of a bill to which the House has agreed. Volume **III,** section **2598.**

A bill that had not actually passed, having been enrolled and signed by the President of the United States, was disregarded by the Executive, and Congress passed another bill. Volume **IV,** section **3498.**

An instance where the President returned a bill already signed by him, in order that the enrollment might be corrected. Volume **IV,** section **3505.**

A bill wrongly enrolled was recalled from the President, who erased his signature, and recommitted to the Committee on Enrolled Bills with instructions. Volume **IV,** section **3506.**

An error in a bill that has gone to the President of the United States may be corrected by a joint resolution. Volume **IV,** section **3519.** Volume **VII,** section **1092.**

A proposition to correct an enrolled bill that has become a law may not be presented as privileged. Volume **III,** section **2600.**

(8) In Procedure of the House.—In the Result of a Vote.

In 1835 it was recognized that an error in a vote might be corrected after the announcement, or proceedings might be at the mercy of a Clerk. Volume **V,** section **6084.**

Where, by an error of the Clerk in reporting the yeas and nays, the Speak announces a result different from that shown by the roll the status of the question must be determined by the vote as actually recorded. Volume **V,** section **6085.** Volume **VIII,** section **3162.**

A vote having been erroneously announced in such a way as to change the true result, subsequent proceedings in connection therewith fall, and the Journal is amended accordingly. Volume **V,** sections **6086–6088.**

Discovery of error in the count of a vote subsequent to the announcement of the vote, even on another day, vitiates the proceedings. Volume **VIII,** section **3126.**

All related proceedings subsequent to the announcement of an erroneous result fall, the votes to reconsider and lay on the table not excepted. Volume **V,** section **6089.**

A vote having been incorrectly announced through error on the part of the Clerk, it is in order to move that the Journal and Record be amended to conform to the facts, or the Speaker may of his own initiative announce the correction and direct that the Journal be corrected. Volume **VIII,** section **3162.**

A wrong result having been announced on a vote on an amendment to a bill, it was held, on the next day, that the question recurred to that point with all rights intact, although the bill had actually been passed. Volume **V,** sections **6089–6092.**

The correction of an error having changed the result of a vote, a motion to reconsider, based on the erroneous vote, was treated as a nullity. Volume **IV,** section **2814.**

When through an erroneous announcement of the vote the House is declared adjourned, and in fact disperses, when actually it had voted not to adjourn, the session when it next meets is nevertheless a new legislative day. Volume **V,** section **6734.**

ERRORS—Continued.

(8) In Procedure of the House.—In the Result of a Vote—Continued.

Before the Chairman had declared the result of a vote by tellers a question arose as to the count, and by unanimous consent the vote was taken again. Volume **V,** section **5992.**

A vote by tellers having been taken and the result announced, a recount may be had only by unanimous consent. Volume **V,** sections **5993, 5994.**

An instance in which the record of pairs was revised on a day subsequent to that on which the vote was taken. Volume **VIII,** section **3091.**

Errors in the record of votes are corrected on recapitulation at the close of the reading of the votes in the affirmative, in the negative, and those answering present, respectively. Volume **VIII,** section **3125.**

(9) In Procedure of the House.—In Result of a Vote as Related to Speaker's Vote.

The duty of the Speaker to give a casting vote may be exercised after the intervention of other business, when a correction of the roll call reveals a tie not before ascertained. Volume **V,** sections **6061–6063.**

The Speaker has voted when a correction on the day after the roll call has created a condition wherein his vote would be decisive. Volume **V,** section **5969.**

In case of error, whereof the correction leaves decisive effect to the Speaker's vote, he may exercise his right, even though the result has been announced. Volume **V,** section **5970.**

(10) In Procedure of the House.—In the Member's Vote.

The vote of a member having failed to be recorded, he may insist that it be recorded even after the Chair has declared the result, and the Chair then makes a new declaration. Volume **V,** sections **6064, 6065.**

Where a vote actually given fails to be recorded it is the right of the Member to have the proper correction made before the approval of the Journal. Volume **V,** sections **6061–6063.**

An error in a vote may be corrected in the Journal of the succeeding day, even though the result be changed thereby. Volume **IV,** sections **2829–2831.**

The House amends the Journal where a vote is recorded erroneously, even through the result be changed thereby. Volume **IV,** sections **2761–2765.**

Correction of errors in the recording of pairs as reported in the Congressional Record are made by Members without action on the part of the House. Volume **VIII,** section **3080.**

In rare instances the House has refused to permit a Member to correct the record of his vote on a previous day. Volume **V,** sections **5935, 5936.**

It is not permissible to entertain the request of a Member to record his vote after he has failed to respond because his attention was distracted when his name was called. Volume **V,** section **6070.**

The fact that a Member responded under an erroneous belief as to a pair does not justify the Speaker in entertaining a request to change the record after a vote is declared. Volume **V,** section **6080.**

On an uncontradicted assertion that a Member recorded as voting had not been present and had not voted, the Chair directed the name to be stricken from the list of those voting. Volume **V,** sections **6097, 6098.**

A Member may not have the record of his vote changed on the statement that he voted on a misapprehension of the question, and a motion relating thereto is not a matter of privilege. Volume **V,** sections **6082, 6083.**

(11) In Procedure of the House.—In General.

The Clerk's roll may be corrected during organization by reference to the credentials. Volume **I,** section **25.**

A Member complaining that he had been wrongfully arrested during a call of the House, the House ordered the Sergeant-at-Arms to investigate and amend the return of his writ. Volume **IV,** section **3021.**

ERRORS—Continued.

(11) In Procedure of the House.—In General—Continued.

A mere clerical error in the Calendar does not give rise to a question of privilege. Volume **III,** section **2616.**

A question of privilege as to an alleged error in the Record may not be raised until the Record has appeared. Volume **V,** section **7020.**

Pending a motion to reconsider the vote on agreeing to a resolution, the resolution was amended by unanimous consent, after which the motion to reconsider was tabled. Volume **V,** section **5702.**

On discovery of error in announcing the presence of a quorum on a call of the House, a motion to dispense with further proceedings under the call was vacated by unanimous consent and the call resumed. Volume **VI,** section **713.**

It having been erroneously announced that a quorum had voted when the roll later disclosed the absence of a quorum on the vote, the Speaker declared subsequent proceedings in connection therewith vacated, and the Journal was amended accordingly. Volume **VIII,** section **3161.**

A clause stricken out on a point of order but inadvertently retained in the bill when messaged to the Senate, was held to be a part of the text when the bill is taken from the Speaker's table with Senate amendments. Volume **VIII,** section **3345.**

Instance wherein the Speaker reversed as erroneous a decision made in a previous session. Volume **VIII,** section **2794.**

ESPIONAGE.

Punishment of sedition, espionage, and seditious interference with foreign relations and commerce are subjects within the jurisdiction of the Committee on the Judiciary. Volume **VII,** section **1751.**

ESTABROOK.

The election case of Daily v. Estabrook, from the Territory of Nebraska, in the Thirty-sixth Congress. Volume **I,** sections **839, 840.**

ESTIMATES.

Only such estimates as are transmitted through channels provided by law are considered in preparation of the annual supply bills. Volume **VII,** section **1124.**

The Speaker declines to refer to the Committee on Appropriations estimates or requests relating to appropriations transmitted through other than official channels. Volume **VII,** section **1124.**

Appropriations for the examination of estimates of appropriations in the field by committees or subcommittees of Congress were held not to be authorized by law. Volume **VII,** section **1199.**

The rule and the law governing the making up, transmittal, and reference of estimates for appropriations (footnote). Volume **IV,** section **3573.**

Laws relating to estimates (footnote). Volume **IV,** section **4045.**

Estimates of appropriations must be transmitted to Congress through the Secretary of the Treasury (footnote). Volume **IV,** section **3575.**

Estimates of expenses of the Government are to prepared and submitted according to the order and arrangement of the appropriations acts of the year preceding. Volume **IV,** section **3576.**

The annual estimates of the Secretary of the Treasury for the support of the Government are printed in advance of the assembling of Congress. Volume **IV,** sections **3574, 3575.**

Nature and disposition of the Book of Estimates. Volume **IV,** section **4045.**

The House once passed a resolution requesting the President to cause a reduction of the Executive estimates to be made. Volume **IV,** section **3577.**

The acts of the Executive Departments in submitting estimates are not of effect in determining questions of jurisdiction. Volume **IV,** section **4048.**

ESTIMATES—Continued.

Motions to print additional numbers of a bill, report, resolution, or document shall be referred to the Committee on Printing, and the report thereon must be accompanied by an estimate of cost. Volume **V,** section **7315.**

Resolutions for printing extra copies of bills, documents, etc., are required to be referred to the Committee on Printing, to be reported, with estimates of cost. Volume **V,** section **7319.**

ESTOPINAL.

The Louisiana election case of Warmoth v. Estopinal, in the Sixty-first Congress. Volume **VI,** section **127.**

The Louisiana election case of Warmoth v. Estopinal, in the Sixtieth Congress. Volume **VI,** section **119.**

EULOGIES.

Form of memorial resolutions for deceased Members. Volume **V,** section **7157.**

The eulogists of deceased Presidents have received the thanks of Congress. Volume **V,** sections **7178–7180.**

The death of a Member who has died in recess of Congress is announced at the beginning of the next session. Volume **V,** sections **7123–7128.**

Sunday has been made a legislative day for eulogies of deceased Members. Volume **V,** sections **7168–7169.**

In later years the eulogies of deceased Members of the House and Senate have occurred after the announcement of the death. Volume **V,** sections **7164–7167.**

The eulogies of a deceased Member formerly occurred at the time of the announcement of his death and the adjournment of respect. Volume **V,** sections **7158–7163.**

EUROPEAN CORN BORER.

An appropriation for control of the European corn borer was held to be authorized by the organic act establishing the Department of Agriculture. Volume **VII,** section **1309.**

EUSTIS.

The Senate election case of Pinchback, McMillan, Marr, and Eustis, from Louisiana, in the Forty-third, Forty-fourth, and Forty-fifth Congresses. Volume **I,** sections **347–353.**

EVANS.

The Kentucky election case of Evans v. Turner in the Fifty-sixth Congress. Volume **II,** section **1114.**

EVENING SESSIONS.

A standing order of the House, superseding the existing rule as to Friday evening sessions, provides that the second and fourth Fridays of each month shall be devoted to pension bills and bills removing charges or desertion and political disabilities. Volume **IV,** section **3281.**

If the terms of a special order seem to abrogate a rule for a recess and an evening session for special business, the question of order should be raised before the House goes into recess and not after the House has met in evening session. Volume **IV,** section **3284.**

In practice an adjournment before 5 p.m. on a Friday was held to vacate the evening session formerly provided for by the rule. Volume **IV,** section **3283.**

Form of special order for consideration of a bill in Committee of the Whole and in the House, with provisions for daily recess and evening sessions. Volume **VII,** section **816.**

EVERETT, WILLIAM, of Massachusetts, Speaker pro tempore.

Decision on question of order relating to—

Dilatory motions. Volume **V,** section **5742.**

EVIDENCE. See "Elections of Representatives," "Impeachment," "Investigations," and "Trials at Bar of House."

EXAMINATION.

(1) Of witnesses in inquiries before committees.
(2) At the bar of the House.
(3) Of Senators by House committee.
(4) Of a person in custody of other House.

(1) Of Witnesses in Inquiries Before Committees.

Rule for asking questions of a person under examination before a committee or at the bar of the House. Volume **III,** section **1768.**

Instance wherein a Member of the House not a member of the committee was permitted to examine a witness. Volume **III,** section **2403.**

The parliamentary law provides that the answer of witnesses before the House shall not be written down, but such is not the rule before committees. Volume **III,** section **1768.**

A committee of investigation adopted rules for examination of witnesses and taking of testimony. Volume **VI,** section **377.**

Counsel for a contumacious witness, present at the examination and transgressing the bounds of propriety, was admonished. Volume **VI,** section **336.**

(2) At the Bar of the House.

The parliamentary law as to the examination of witnesses. Volume **III,** section **1768.**

Rule for examining Members as witnesses in a trial at the bar of the House for contempt. Volume **II,** section **1619.**

The House being about to examine a person at its bar, a form of procedure as to questions was agreed to. Volume **II,** section **1633.**

A person being under examination at the bar, the questions propounded to him were first approved by the House. Volume **II,** section **1635.**

In a trial at the bar of the House for contempt a committee were appointed to examine witnesses for the House. Volume **III,** section **1668.**

For the trial of Samuel Houston a committee was appointed to examine witnesses at the bar of the House. Volume **II,** section **1617.**

According to the parliamentary law questions asked a witness are recorded in the Journal. Volume **III,** section **1768.**

The parliamentary law provides that the answers of witnesses before the House shall not be written down. Volume **III,** section **1768.**

A person being under examination at the bar, the questions and answers were recorded in the Journal. Volume **II,** section **1635.**

In a trial at the bar of the House both questions to witnesses and their answers were reduced to writing and appear in the Journal. Volume **III,** section **1668.**

In the Stewart case the questions and answers at the examination were recorded in the Journal, the answers being oral and not under oath. Volume **III,** section **1689.**

Rule adopted in the Whitney case for disposing of objections to questions proposed to witnesses. Volume **III,** section **1668.**

When a case is on trial at the bar of the House Members are examined in their places. Volume **III,** section **1668.**

In the Whitney case a proposition to examine the respondent was ruled out of order while witnesses were being examined. Volume **III,** section **1668.**

Form of oath administered by the Speaker to a person about to be examined at the bar of the House. Volume **II,** section **1633.**

A person under examination at the bar withdraws while the House deliberates on the objection to a question. Volume **III,** section **1768.**

A person under examination at the bar of the House withdrew while the House passed on a request made by him. Volume **II,** section **1633.**

A person under examination at the bar was allowed to state his reasons why he should not answer a question, and also to have entered on the Journal a statement. Volume **II,** section **1633.**

EXAMINATION—Continued.

(2) At the Bar of the House—Continued.

The supposed author of an anonymous newspaper charge against a Member not named was arrested and interrogated at the bar of the House. Volume **II,** section **1633.**

In the case of John Anderson the accused and witnesses were examined at the bar of the House. Volume **II,** section **1606.**

The parliamentary law relating to the appearance of counsel. Volume **III,** section **1768.**

(3) Of Senators by House Committees.

Either House may request by message, but not command, the attendance of a Member of the other House. Volume **III,** section **1768.**

A message requesting the attendance of a Member of the other House should state clearly the purpose thereof. Volume **III,** section **1768.**

A Senator having neglected to accept an invitation or respond to a subpoena requesting him to testify before a House committee, the House by message requested that the Senate give him leave to attend. Volume **III,** section **1794.**

The Senate neglected to respond to a request of the House that a Senator be permitted to attend a House committee. Volume **III,** section **1794.**

(4) Of a Person in Custody of Other House.

Either House may request of the other the attendance of a person in custody of the latter House. Volume **III,** section **1768.**

EXCEPT.

A proposal that no part of an appropriation be used for transportation of troops "except" by the cheapest route was construed as legislation. Volume **VII,** section **1641.**

Discussion of professed limitations accompanied by the words "unless," "except," "until," "if," and "however." Volume **VII,** section **1706.**

EXCEPTION.

The answer of Judge Swayne as to the first seven articles raised a question as to the jurisdiction of the Senate to try the charges. Volume **III,** section **2481.**

EXCESS.

A question as to the best rule for elimination of an excess of ballots in the box. Volume **I,** section **537.**

EXCLUSION. See "Elections of Representatives" and "Elections of Senators."

EXCUSES.

(1) Of Members for absence.
(2) For not voting.—In the House.
(3) From committee service.
(4) From service as manager of a conference.
(5) From service as manager of an impeachment.
(6) From service as teller at the electoral count.
(7) Of the Speaker as to decision of question of order.
(8) From service as President pro tempore of Senate.
(9) Of witness.

(1) Of Members for Absence.

The former practice of presenting Members at the bar during a call of the House is obsolete, and Members now report to the Clerk and are recorded without being formally excused unless brought in under compulsion. Volume **VI,** section **684.**

The statutes provide for deductions by the Sergeant-at-Arms from the pay of a Member or Delegate who is absent from his seat without a sufficient excuse. Volume **II,** section **1150.**

EXCUSES—Continued.

(1) Of Members for Absence—Continued.

After the roll has been called for excuses and the House has ordered the arrest of those who are unexcused a motion to excuse an absentee is in order when he is brought to the bar Volume **IV,** section **3012.**

During a call of the House less than a quorum may excuse a Member from attendance. Volume **IV,** sections **3000, 3001.**

While less than a quorum may excuse a Member from attendance at the time, they may not grant a leave of absence. Volume **IV,** section **3002.**

While the names of absentees are being called for excuses on a call of the House, neither a motion to excuse nor an incidental appeal is debatable. Volume **IV,** section **2999.**

Under the old rule, for a call of the House a motion to adjourn is in order in the midst of a call of the roll for excuses. Volume **IV,** section **2998.**

Under the old rule, for a call of the House motions to excuse Members are in order while the roll is being called for excuses. Volume **IV,** section **2997.**

After the roll has been called under the new rule, for a call of the House, and while the proceedings to obtain a quorum are going on, motions to excuse Members are in order. Volume **IV,** section **3051.**

The motion to dispense with proceedings under a call is in order, although Members under arrest may not have had opportunity to make excuses. Volume **IV,** section **3039.**

A Member under arrest for absence may not, when called on for an excuse, question the authority of the House. Volume **IV,** section **3023.**

Pairs do not excuse from attendance or exempt from arrest under a call of the House. Volume **VIII,** section **3081.**

The managers were excused from attendance on the sessions of the House during the course of the trial in the Senate. Volume **VI,** section **521.**

(2) For Not Voting.—In the House.

Sometimes the House has excused Members from voting on questions in which they had a personal interest (footnote). Volume **V,** section **5950.**

The House excused one Member from voting on the ballot for managers of the Johnson impeachment but refused to excuse others. Volume **III,** section **2417.**

On a motion for a call of the House, a motion to excuse a Member from voting was held not in order, although the rule at that time permitted the motion generally. Volume **IV,** section **3007.**

The motion to excuse a Member from voting was a prolific source of obstruction when privileged. Volume **IV,** sections **2900, 2903.**

The Speakers, during the period when the rules made in order a motion to excuse a Member from voting, held the motion dilatory when applied to votes on adjourning or for a call of the House, since it might be used to prevent adjourning or the procuring of a quorum. Volume **V,** sections **5709–5712.**

(3) From Committee Service.

While the House has usually granted requests of Members that they be excused from committee service, it has sometimes refused. Volume **IV,** sections **4494–4505.**

The Speaker may not relieve a Member from service on a committee to which he has appointed him. Volume **IV,** section **4511.**

The request of a Member that he be excused from committee service has generally been treated as privileged, but as debatable to a very limited extent only. Volume **IV,** sections **4508–4510.**

(4) From Service as Manager of a Conference.

It has long been the practice for a manager on a conference to be excused only by authority of the House. Volume **V,** sections **6373–6376.** Volume **VIII,** section **3227.**

A member may be excused from service on a conference as on committees, only by permission of the House. Volume **IV,** section **4506.**

EXCUSES—Continued.

(4) From Service as Manager of a Conference—Continued.

A manager on the part of the House on the disagreeing votes of the two Houses on a bill in conference having addressed the House in criticism of the Senate members of the committee of conference, the Senate notified the House that conferees on the part of the Senate had been excused from further service on the committee. Volume **VIII,** section **2514.**

(5) From Service as Manager of an Impeachment.

A manager in impeachment proceedings is excused from service by authority of the House. Volume **III,** section **2300.**

A Member appointed one of the managers of an impeachment may be excused by the House. Volume **III,** section **2032.**

One of the managers of the Belknap impeachment being excused, the House chose another. Volume **III,** section **2448.**

(6) From Service as Teller at the Electoral Count.

A teller appointed for the electoral count may be excused by authority of the House. Volume **III,** section **1944.**

(7) Of the Speaker, as to Decision of Question of Order.

The Speaker having remained in the chair while a question relating to himself was pending, was excused from deciding a question of order. Volume **II,** section **1358.**

Resolutions censuring the conduct of the Speaker being presented unexpectedly, he was excused from deciding a point of order in relation thereto. Volume **II,** section **1357.**

(8) From Service as President Pro Tempore of Senate.

A Member of the Senate elected President pro tempore was excused from serving by vote of the Senate. Volume **II,** section **1418.**

(9) Of Witness.

A witness unable to attend the Humphreys trial was excused by the court. Volume **III,** section **2394.**

Witnesses summoned to testify may not excuse themselves under the plea that their testimony would compromise them. Volume **VI,** section **335.**

The fact that testimony sought by a committee of the House might militate against the interest of the witness in a pending suit was held not to excuse him from supplying information properly within the scope of the inquiry. Volume **VI,** section **338.**

EXECUTIVE

(1) Communications of President with Congress.
(2) Communications of Cabinet officers.
(3) Relations of Cabinet officers to investigations
(4) Breach of privilege by executive officers.
(5) Protests by the President.
(6) Directions to Cabinet officers to investigate.
(7) Inquiries of.—Resolutions making.
(8) Inquiries of.—Prerogatives of House in calling for information, documents, etc.
(9) Process for procuring papers from public officers.
(10) Investigations in general.
(11) Examination of acts of.
(12) Appointment of Members to office by.
(13) Voice of House in foreign relations.—In general.
(14) Voice of House in foreign relations.—As to the diplomatic service.
(15) Voice of House in foreign relations.—Treaties in general.
(16) Voice of House in foreign relations.—Treaties relating to the revenue.
(17) Voice of House in foreign relations.—Treaties relating to acquisition or cession of territory.

EXECUTIVE—Continued.

(18) Authority of House as to Indian treaties.
(19) Respective powers of House and Executive as to certain functions.
(20) Praise and censure of, by the House.
(21) Advice and requests by the House.
(22) Alleged corrupt relations with Members of the House.
(23) References to, in debate.
(24) General relations of House to.

(1) Communications of President with Congress.

In early years the President made a speech to the Congress and the House attended the Speaker in presenting the address in reply. Volume **II,** section **1139.**

In response to the President's annual speech the Speaker, attended by the House, used to deliver an address. Volume **V,** section **6629.**

A joint rule formerly prescribed the method of presenting a joint address of the two Houses to the President. Volume **V,** section **6630.**

The House waited on the President of the United States on the occasion of the death of George Washington. Volume **V,** section **7181.**

In 1801 President Jefferson discontinued the custom of making an annual speech to Congress and transmitted the first annual message. Volume **V,** section **6629.**

The President, by message, complained to the House that his Secretary, immediately after delivering a message to the House, had been assaulted in the Capitol. Volume **II,** section **1615.**

The President of the United States transmitted to the Senate a letter impeaching the conduct of a Senator. Volume **II,** section **1263.**

Petitions from foreigners are properly transmitted through the Executive. Volume **IV,** sections **3336–3340.**

Communication from a foreigner to the House is properly transmitted through the Executive. Volume **V,** section **6662.**

The President was allowed to withdraw papers included with a message by inadvertence. Volume **V,** section **6651.**

A message from President Monroe asking for an adjustment of certain personal claims was referred to a select committee with instructions. Volume **V,** section **6632.**

When messages of a confidential nature were received from the President or Senate the House went into secret session. Volume **V,** sections **7251, 7252.**

As late as 1843 the President transmitted a message in part confidential. Volume **V,** section **7255.**

The Senate having adopted a resolution advising the Executive as to matters within the sphere of his duties, the latter in a statement to the press announced that no official recognition would be accorded it. Volume **VI,** section **331.**

The President declined to submit to the Senate in response to its request certain papers touching the London Naval Treaty of 1930 on the ground that such compliance would be incompatible with the public interest. Volume **VI,** section **433.**

(2) Communications of Cabinet Officers.

Members of the President's Cabinet appear before committees of the House and give testimony. Volume **III,** sections **1881–1883.**

While Cabinet officers are frequently summoned to testify before committees either voluntarily or by subpoena, they are no longer called to give information on the floor of the House. Volume **VI,** section **432.**

The House decided early in its history that the Secretaries of the President's Cabinet should not be called to give information personally on the floor of the House. Volume **III,** section **1880.**

The proposition to have the heads of the Executive Departments occupy seats on the floor and participate in the proceedings. Volume **II,** section **1587.**

EXECUTIVE—Continued.

(2) Communications of Cabinet Officers—Continued.

The Secretary of the Treasury may recommend legislation to Congress, even when his views have not been requested by either House. Volume **V,** section **6652.**

The Secretary of the Treasury alone of all the Cabinet transmits his report directly to Congress (footnote). Volume **V,** section **6652.**

Secretary Stanton communicated directly to the House the fact of the President's attempt to remove him. Volume **III,** section **2408.**

A communication from the General of the Army transmitted directly instead of through the Secretary of War was received and referred, although occasioning some criticism. Volume **V,** section **6653.**

The statutes provide that the House or any one of its committees having jurisdiction may transmit a claim to the Court of Claims for a finding of fact, which shall be transmitted to the House through the Speaker. Volume **IV,** section **3303.**

The Speaker may not treat as confidential official communications received from the heads of executive departments. Volume **VI,** section **434.**

Executive departments in response to resolutions of inquiry may not comment on debate in the House, include explanations tending to vindicate action by the department or enter into argument not specifically requested. Volume **VI,** section **437.**

The Senate declines to receive communications from any executive department except through the President unless in response to a resolution of the Senate or in accordance with law. Volume **VIII,** section **3353.**

(3) Relations of Cabinet Officers to Investigations.

Members of the President's Cabinet whose reputations and conduct have been assailed on the floor of the House have sometimes asked for an investigation. Volume **III,** sections **1734, 1735.**

Vice-President Calhoun asked the House, as the grand inquest of the nation, to investigate certain charges made against his conduct as Secretary of War, and the House granted the request. Volume **III,** section **1736.**

The House in 1824 investigated an application of the United States minister to Mexico a controversy on a public matter between him and the Secretary of the Treasury. Volume **III,** section **1741.**

Latitude permitted by an investigating committee to the counsel of an executive officer who had been implicated by the terms of the resolution creating the committee. Volume **III,** section **1788.**

A member of the Cabinet who had been implicated by the terms of a resolution creating a committee of investigation was permitted to have witnesses summoned. Volume **III,** section **1787.**

The House declined to entertain as a question of privilege a resolution to investigate a charge made by a Cabinet officer that Members of Congress not named had made a corrupt proposition to the Executive. Volume **III,** section **2654.**

(4) Breach of Privilege by Executive Officers.

A resolution that the rights and dignity of the House have been invaded by the Executive presents a question of privilege. Volume **III,** section **2565.**

A resolution implying that the constitutional rights of the House may have been invaded by the Executive presents a question of privilege. Volume **III,** section **2563.**

A communication addressed to the House by an official in an Executive Department, calling in question words uttered by a Member in debate, was criticised as disrespectful and a breach of privilege and was withdrawn. Volume **III,** section **2684.**

An officer of the Army having written a letter which was read in the House falsely impugning the honor of a Member, the House condemned the action as a gross violation of privilege. Volume **III,** section **2686.**

EXECUTIVE—Continued.

(4) Breach of Privilege by Executive Officers—Continued.

A controversy between a Member and the officials of one of the Executive Departments as to a question of the administration of the duties of that Department was held to involve no question of personal privilege. Volume **III,** section **2687.**

The House declines to receive from executive departments communications reflecting upon the House or any Member thereof. Volume **VI,** section **437.**

A resolution alleging that the rights and dignity of the House have been invaded by the Executive presents a question of privilege. Volume **VI,** section **571.**

The President having transmitted to the House a message reflecting on the integrity of its membership, the House declared it a breach of privilege and ordered it laid on the table. Volume **VI,** section **330.**

(5) Protests by the President.

A formal protest by the President against certain proceedings of the house was declared a breach of privilege. Volume **II,** section **1590.**

President Jackson having sent to the Senate a protest against its censure of his acts, the Senate declared the protest a breach of privilege and refused it entry on the Journal. Volume **II,** section **1591.**

Reference to President's protest against assumption by the House of the right to designate the officers who should disburse appropriations (footnote). Volume **IV,** section **4032.**

(6) Directions to Cabinet Officers to Investigate.

A law confers on either House of Congress the power to direct by simple resolution that the Secretary of Commerce and Labor make certain investigations. Volume **II,** section **1594.**

Congress by concurrent resolution directs executive officers to make investigations in river and harbor matters. Volume **II,** section **1593.**

Instance of legislation directing and empowering executive officers of the Government to investigate and report. Volume **III,** section **1765.**

A resolution requiring an investigation is not privileged under the rule. Volume **VI,** section **427.**

(7) Inquiries of.—Resolutions Making.

Only resolutions of inquiry addressed to the heads of Executive Departments are privileged. Volume **III,** sections **1861–1863.**

The privilege of resolutions of inquiry applies to those addressed to the President of the United States. Volume **III,** section **1864.**

It has been considered proper to use the word "request" in asking for information from the President and "direct" in addressing the heads of Departments. Volume **III,** section **1895.**

As to the use of the words "request" and "direct" in resolutions of inquiry addressed to the Executive (footnote). Volume **III,** section **1856.**

After full discussion of its relations to the Executive the House inserted a qualifying clause in its request for information as to certain foreign relations. Volume **II,** section **1547.**

Discussion in the Senate as to the practice of requiring information from the heads of Departments and requesting it of the President. Volume **III,** section **1904.**

Discussion of the status of the Department of State in relation to resolutions of inquiry. Volume **III,** section **1905.**

A letter from the head of an Executive Department, responding to a resolution of inquiry, is not printed in full in the Journal, but a brief summary of its contents is printed. Volume **IV,** section **2858.**

(8) Inquiries of.—Prerogatives of House in Calling for Information, Documents, etc.

The House declared in 1796 that its constitutional requests of the Executive for information need not be accompanied by a statement of purposes. Volume **II,** section **1509.**

EXECUTIVE—Continued.

(8) Inquiries of.—Prerogatives of House in Calling for Information, Documents, etc.— Continued.

In 1837 a committee discussed the authority of the House in calling for papers from the Executive Departments and the kind of papers properly subject to its demand. Volume **III,** section **1738.**

President Washington, in 1796, declined the request of the House that he transmit the correspondence relating to the recently ratified treaty with Great Britain. Volume **II,** section **1509.**

In 1822 the House called generally and specifically for papers relating to the treaty of Ghent and obtained them, although the Executive advised against their publication. Volume **II,** sections **1512, 1513.**

The House has requested the President to lay before it information as to the carrying out and the violation of treaties, and the information has been furnished. Volume **II,** sections **1510, 1511.**

In 1846 President Polk, for reasons of public policy, declined to inform the House as to expenditures from the secret or contingent fund of the State Department. Volume **II,** section **1561.**

In 1848 President Polk declined on constitutional grounds to honor the unconditional request of the House for a copy of the instructions to the minister sent to negotiate a treaty with Mexico. Volume **II,** sections **1518, 1519.**

In 1842 the House vigorously asserted and President Tyler as vigorously denied the right of the House to all papers and information in possession of the Executive relating to subjects over which the jurisdiction of the House extended. Volume **III,** sections **1884, 1885.**

In 1886 the refusal of the Attorney-General to transmit certain papers called for by the Senate led to a discussion of prerogatives and a declaration by the Senate. Volume **III,** section **1894.**

President Grant declined to answer an inquiry of the House as to whether or not he had performed any Executive acts at a distance from the seat of Government. Volume **III,** section **1889.**

On request President Johnson furnished to the House the minutes of a meeting of the Cabinet, Volume **III,** section **1888.**

President Jackson declined to furnish to the Senate a copy of a paper purporting to have been read by him to the heads of the Executive Departments. Volume **III,** section **1887.**

The House having asserted its right to direct the heads of the Executive Departments to furnish information, the Secretary of War returned an answer to a portion of the inquiry, declining to respond to the remainder. Volume **III,** section **1886.**

The head of a Department having declined to respond to an inquiry of the House, a demand for a further answer was entertained as a matter of privilege. Volume **III,** section **1892.**

A proposition to investigate whether or not the head of an Executive Department had filed or declined to respond to an inquiry of the House was held not to be matter of privilege. Volume **III,** section **1892.**

The President having failed to respond to a resolution of inquiry, the House respectfully reminded him of the fact. Volume **III,** section **1890.**

The Senate returned to the Secretary of the Navy an impertinent document transmitted in response to an inquiry. Volume **II,** section **1907.**

The Postmaster-General having responded to an inquiry in a manner considered disrespectful, the Senate referred the matter to the President, whereat an explanation was forthcoming. Volume **III,** section **1906.**

EXECUTIVE—Continued.

(9) Process of Procuring Papers From Public Officers.

Discussion as to the use of the subpoena duces tecum in procuring papers from public officers. Volume **III,** section **1700.**

Discussion of the right of the House to send for original papers from the files of the department. Volume **VI,** section **435.**

(10) Investigations in General.

The right and duty of the House to inquire into the manner of expenditure of public money by the Executive branch was early asserted. Volume **III,** section **1726.**

Having the constitutional right to concur in appropriating the public money, the House has exercised also the right to examine the application of those appropriations. Volume **III,** section **1730.**

The House very early overruled the objection that its inquiry into the conduct of clerks in the Executive Departments would be an infringement on the Executive power. Volume **III,** section **1729.**

In 1792 the House declined to request the President to inquire into the causes of the defeat of General St. Clair's army, and asserted its own right to make the investigation. Volume **III,** section **1725.**

In 1807 the House after mature consideration declined to investigate charges against the Chief of the Army, but requested the President to make such an inquiry. Volume **III,** section **1726.**

In 1810 the House after mature consideration determined that it had the right to investigate the conduct of General Wilkinson, although he was not an officer within the impeaching power of the House. Volume **III,** section **1727.**

The House having investigated charges against General Wilkinson, of the Army, the results were transmitted to the President by the hands of a committee. Volume **III,** section **1727.**

In 1861 the two Houses, by concurrent action, assumed without question the right to investigate the conduct of the war. Volume **III,** section **1728.**

A letter from an individual charging an officer of the Army with corruption was considered and an investigation was ordered. Volume **III,** section **1742.**

While a committee of the House reported it inexpedient for the House to investigate the charges of a subordinate against a captain in the Navy, they expressly asserted the power of the House so to do. Volume **III,** section **1743.**

The House sometimes directs the Speaker to certify to the Executive authority testimony taken by a House committee and affecting an official. Volume **III,** section **1785.**

In cases where its investigations have suggested the culpability of executive officers, the Senate has by resolution submitted advice or suggestions to the Executive. Volume **VI,** section **331.**

(11) Examination of Acts of.

Discussion as to whether President Johnson was justified in attempting to test the constitutionality of the tenure of office law. Volume **III,** section **2411.**

The act of President Tyler in filing with a bill an exposition of his reasons for signing it was examined and severely criticized by a committee of the House. Volume **IV,** section **3492.**

In 1842 a committee of the House discussed the act of President Jackson in writing above his signature of approval a memorandum as to his construction of the bill. Volume **IV,** section **3492.**

In 1842 the House, after discussion, abandoned a proposition to pass on the authority of the President to appoint commissions of investigation without the sanction of law. Volume **II,** section **1585.**

EXECUTIVE—Continued.

(12) Appointment of Members to Office by.

No Member may, during the term for which he was elected, be appointed to any office which shall have been created or the emoluments of which shall have been increased during such term. Volume **I,** section **485.**

The House has distinguished between the performance of paid services for the Executive by a Member and the acceptance of an appointment to an incompatible office. Volume **I,** section **495.**

Reference to an early discussion of the appointment of Members of the House to Executive offices. Volume **I,** section **495.**

The House, after debate, called on the President for a list of appointments of Members of Congress to offices (footnote). Volume **III,** section **1864.**

(13) Voice of House in Foreign Relations.—In General.

The House has declared its "constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well in the recognition of new powers as in other matters." Volume **II,** section **1539.**

The House has usually had a voice in the recognition of the independence of a foreign nation when such recognition has affected relations with another power. Volume **II,** sections **1541–1544.**

Congratulations of the House on the adoption of a republican form of government by Brazil. Volume **II,** section **1550.**

In 1811 the House originated and the Senate agreed to a resolution declaring the attitude of the United States on a question of foreign policy. Volume **II,** section **1538.**

Resolutions originating in the House and making an exchange of compliments with certain Republics were disapproved by President Grant as infringing on Executive prerogative. Volume **II,** section **1556.**

The House has, by resolution, extended its sympathy to foreign peoples desirous of greater liberty. Volume **II,** sections **1553–1555.**

(14) Voice of House in Foreign Relations.—As to the Diplomatic Service.

While not questioning the right of the House to decline to appropriate for a diplomatic office, President Grant protested against its assumption that it might give directions as to that service. Volume **II,** section **1548.**

Discussion as to the right of the House to withhold an appropriation to pay the expenses of diplomatic agents appointed by the Executive. Volume **II,** sections **1546, 1547.**

In 1825 the House, after long discussion, declined to make a declaration of policy or give express approval of a diplomatic service instituted by the President. Volume **II,** sections **1546, 1547.**

In 1825 the House, after long debate, made an unconditional appropriation for the expenses of the ministers to the Panama congress. Volume **II,** sections **1546, 1547.**

An authorization of diplomatic relations with a foreign nation originated in the House in 1882. Volume **II,** section **1549.**

A resolution recommending the recall of a foreign minister of the United States does not present a question of privilege. Volume **III,** section **2572.**

(15) Voice of House in Foreign Relations.—Treaties in General.

Discussion of the right of the House to share in the treaty-making power. Volume **II,** section **1509.**

The House sometimes requests the Executive to negotiate a treaty, although the propriety of the act has been questioned. Volume **II,** sections **1514–1517.**

In 1796 the House affirmed that when a treaty related to subjects within the power of Congress it was the constitutional duty of the House to deliberate on the expediency of carrying such treaty into effect. Volume **II,** section **1509.**

EXECUTIVE—Continued.

(15) Voice of House in Foreign Relations.—Treaties in General—Continued.

In 1816 the House, after discussion with the Senate, maintained its position that a treaty must depend on a law of Congress for its execution as to such stipulations as relate to subjects constitutionally intrusted to Congress. Volume **II,** section **1506.**

In 1868, after discussion with the Senate, the House's assertion of right to voice in carrying out the stipulations of certain treaties was conceded in a modified form . Volume **II,** section **1508.**

In 1871 the House asserted its right to a voice in carrying into effect treaties on subjects submitted by the Constitution to the power of Congress. Volume **II,** section **1523.**

Instances of the action of the House in carrying into effect, terminating, enforcing, and suggesting treaties. Volume **II,** sections **1502–1505.**

In 1881 the House Committee on Foreign Affairs, discussing the treaty-making power, concluded that the House had no share in it. Volume **II,** section **1525.**

(16) Voice of House in Foreign Relations.—Treaties Relating to the Revenue.

In 1880 the House declared that the negotiation of a treaty affecting the revenues was an invasion of its prerogatives. Volume **II,** section **1524.**

After long and careful consideration the Judiciary Committee of the House decided, in 1887, that the executive branch of the Government might not conclude a treaty affecting the revenue without the assent of the House. Volume **II,** sections **1528–1530.**

Discussion of the prerogatives of the House in relation to treaties, commercial and otherwise. Volume **II,** sections **1546, 1547.**

In 1884 and 1886 the Ways and Means Committee assumed that the right of the House to a voice in making treaties affecting the revenue had been conceded. Volume **II,** sections **1526, 1527.**

Argument that duties are more properly regulated with the publicity of Congressional action than by treaties negotiated by the Executive and ratified by the Senate in secrecy. Volume **II,** section **1532.**

The House has at times advised the Executive in regard to treaties affecting the revenue. Volume **II,** sections **1520–1522.**

Reference to discussion in the Senate over right of the House to a voice in making treaties affecting the revenue (footnote). Volume **II,** section **1528.**

(17) Voice of House in Foreign Relations.—Treaties Relating to Acquisition or Cession of Territory.

In 1820 the House considered, but without result, its constitutional right to a voice in any treaty ceding territory. Volume **II,** section **1507.**

In 1868 the House declined to assert that no purchase of foreign territory might be made without the sanction of a previously enacted law. Volume **II,** section **1508.**

Mandates over foreign countries and authorization to the Executive to accept mandates are within the jurisdiction of the Committee on Foreign Affairs. Volume **VII,** section **1888.**

(18) Authority of House as to Indian Treaties.

After long discussion the House, in 1871, successfully asserted its right to a voice in approving Indian treaties. Volume **II,** sections **1535, 1536.**

Even in the case of an application for papers relating to an Indian treaty President Jackson asserted the Executive prerogative as opposed to the contention of the House. Volume **II,** section **1534.**

(19) Respective Powers of House and Executive as to Certain Functions

The power of appointment to office belongs to the President, and Congress by law may not declare one an officer who is not such in fact. Volume **II,** section **1595.**

An opinion of the Attorney-General that neither House may by resolution give a construction to an existing law which would be of binding effect on an executive officer. Volume **II,** section **1580.**

EXECUTIVE—Continued.

(19) Respective Powers of House and Executive as to Certain Functions—Continued.

In a message in 1865 the President of the United States disclaimed all right of interfering with the canvassing or counting of the electoral votes (footnote). Volume **III,** section **1951.**

(20) Praise and Censure of, by the House.

While the House in some cases has bestowed praise or censure on the President or a member of his Cabinet, such action has at other times been held to be improper. Volume **II,** sections **1569–1572.**

(21) Advice and Requests by the House.

The House has at times adopted resolutions requesting or advising the Executive as to matters within the sphere of his duties. Volume **II,** sections **1573—1578.**

Instances wherein the House by resolution expressed an opinion as to the course of action which an executive officer should follow. Volume **II,** section **1579.**

The House, either alone or in concurrence with the Senate, has by resolution expressed opinions or determinations on important public questions. Volume **II,** sections **1562–1568.**

The House once passed a resolution requesting the President to cause a reduction of the Executive estimates to be made. Volume **IV,** section **3577.**

The two Houses requested the President to transmit to the States forthwith certain proposed amendments to the Constitution. Volume **V,** section **7043.**

In cases where its in investigations have suggested the culpability of executive officers, the House has by resolution submitted advice or requests to the Executive. Volume **II,** sections **1581–1584.**

The House declined to ask of the Executive the removal of an officer whom a committee had found delinquent. Volume **III,** section **2501.**

The Senate requested the Executive to prosecute William Duane for defamation of the Senate. Volume **II,** section **1604.**

The House has requested the Executive authority to prosecute one of the officers of the House. Volume **I,** section **287.**

The House requested the President, if necessary, to afford military protection to the Kansas Committee of 1856. Volume **III,** section **1752.**

Under the early practice resolutions embodying opinions of the House were presented to the President of the United States by a committee. Volume **II,** section **1542.**

In the early practice of the House a resolution making a request of the President was taken to him by a committee of Members. Volume **III,** section **1726.**

(22) Alleged Corrupt Relations with Members of the House.

A newspaper charge that a Member of the House had been influenced by Executive patronage was submitted as privileged, but the House declined to investigate. Volume **III,** section **2701.**

An alleged corrupt combination between Members of the House and the Executive was investigated as a question of privilege. Volume **III,** section **2538.**

(23) References to, in Debate.

It is in order in debate to refer to the President of the United States or his opinions, either with approval or criticism, provided that such reference be relevant to the subject under discussion and otherwise conformable to the rules of the House. Volume **V,** sections **5087–5091.**

(24) General Relations of House to.

The House has decided that a Vice-President succeeding to the Presidency should be called "The President" without qualification. Volume **II,** section **1586.**

The Clerk may loan to officers or bureaus of the Executive Departments papers from the files of the House, taking a receipt therefor. Volume **V,** section **7256.**

An appeal of a Member to the President for protection was considered derogatory to the privileges of the House. Volume **III,** section **2680.**

EXECUTIVE—Continued.

(24) General Relations of House to—Continued.

President Madison declined a conference with a committee of the Senate. Volume **V,** section **6630.**

Where the House elects a Speaker pro tempore for any considerable time it is usual to notify the Senate, and sometimes the President of the United States also. Volume **II,** sections **1406–1412.**

Presents to the President or other officers were formerly placed at the disposal of Congress. Volume **II,** sections **1588, 1589.**

A seat being declared vacant, the House directed the Speaker to notify the executive of the State. Volume **I,** section **824.**

The executive of a State issues writs of election to fill vacancies in its representation in the House. Volume **I,** section **515.**

At the first investigation of charges against General Wilkinson the proceedings were ex parte, but at the second inquiry the House voted that he should be heard in his defense. Volume **III,** section **1727.**

The Senate ordered an attested copy of the court's decisions in the Humphreys case to be sent to the President of the United States. Volume **III,** section **2397.**

Discussion of the powers of a military governor and his status as a de facto executive. Volume **I,** section **379.**

EXECUTIVE SESSIONS.

While a rule of the House provides for secret sessions, it is long obsolete, and the convening of the House in secret session is a procedure unprecedented for more than a century. Volume **VI,** section **434.**

A motion to go into executive session is in order when any Member shall inform the House that he has communications which he believes should be considered in confidence, and takes precedence of a motion to resolve into the Committee of the Whole for the consideration of an appropriation bill. Volume **VIII,** section **3630.**

In 1929 a Senate committee recommended the denial of the privilege of the floor to a news-paper reporter charged with publication of proceedings of an executive session. Volume **VI,** section **334.**

Following revision of the rule relating to secrecy, the Senate practice of considering executive business in closed session has been largely discontinued. Volume **VIII,** section **3631.**

In the Louderback trial the Senate deliberated behind closed doors before voting on the articles of impeachment. Volume **VI,** section **524.**

EXECUTORS.

The Committee for the District of Columbia has exercised jurisdiction as to bills relating to executors, administrators, wills, and divorce in the District. Volume **IV,** section **4289.**

EXHIBITION.

No work of art not the property of the Government shall be exhibited in the Capitol and no room shall be used for private studios without permission of the Joint Committee on the Library. Volume **V,** section **7312.**

EXHIBITS.

The answer of respondent is part of the pleadings of an impeachment trial, and exhibits in the nature of evidence may not properly be attached thereto. Volume **VI,** section **142.**

Exhibits relating to the case at bar but also embodying extraneous and irrelevant material were admitted in full over the objection that only the pertinent matters should be read into the record. Volume **VI,** section **523.**

An instance wherein the committee, overruling a demurrer conceded to be well taken, elected to decide the case on the pleadings, affidavits, exhibits, and statements of counsel and parties. Volume **VI,** section **170.**

EXHIBITS—Continued.

The introduction of exhibits, demonstrations, or other unusual adjuncts to debate are subject to the will of the House. Volume **VIII,** section **2453.**

The display of exhibits in debate by way of illustration is subject to the will of the House and any Member may object. Volume **VIII,** section **2452.**

The rule prohibiting the reading of papers in debate was held to apply to the exhibition of articles as evidence or in exemplification in debate. Volume **VIII,** section **2452.**

Legislation pertaining to entry under bond of exhibits without payment of duty falls within the jurisdiction of the Ways and Means Committee. Volume **II,** section **1732.**

EX-MEMBERS

Members of Congress, Members-elect, and, under certain conditions, ex-Members of the House and contestants in election cases have the privilege of the floor. Volume **V,** section **7283.** Volume **VIII,** section **3634.**

An alleged abuse of the privilege of the floor by an ex-Member was inquired into by a special committee. Volume **V,** section **7287.**

It being alleged that an ex-Member was violating the privileges of the floor, the Speaker declared it a matter for the House, and not the Chair, to consider. Volume **V,** section **7286.**

An ex-Member who was abusing the privileges of the floor was excluded by direction of the Speaker. Volume **V,** section **7288.**

A register of persons other than Members who are entitled to the privileges of the floor was authorized in 1853. Volume **V,** section **7291.**

In rare instances the House has taken action on the occasion of the decease of a former Member. Volume **V,** sections **7136–7138.**

Ex-Members of Congress are entitled to the franking privilege until the first day of December following expiration of their term of office. Volume **VI,** section **217.**

EX PARTE TESTIMONY. See "Elections of Representatives" and "Investigation."

EXPATRIATION.

Questions relating to the protection of American citizens abroad and expatriation belong to the jurisdiction of the Committee on Foreign Affairs. Volume **IV,** section **4169.** Volume **VII,** section **1883.**

EXPENDITURES, COMMITTEES ON, IN VARIOUS DEPARTMENTS.

The creation and history of the Committee on Expenditures in the Executive Departments, Section 34 of Rule XI. Volume **VII,** section **2041.**

Examples of the general jurisdiction of the Committee on Expenditures in the Executive Departments. Volume **VII,** section **2042.**

The rule gives to the Committee on Expenditures in the Executive Departments jurisdiction of the pay of officers, abolition of useless offices, and the economy and accountability of officers. Volume **VII,** section **2041.**

The examination of the accounts of the departments, independent establishments, and commissions of the Government, proper application of public moneys, enforcement of payment of money due the Government, and economy and retrenchment generally are within the jurisdiction of the Committee on Expenditures in the Executive Departments. Volume **VII,** section **2041.**

A bill providing for a more expeditious settlement of money claims against the United States was on reconsideration referred to the Committee on Expenditures. Volume **VII,** section **2046.**

Resolutions providing for investigations in the departments of the Government come within the jurisdiction of the several expenditures committees and not the Committee on Rules. Volume **VII,** section **2045.**

EXPENDITURES, COMMITTEES ON, IN VARIOUS DEPARTMENTS—Continued.

Creation and history of the ten committees on expenditures in the various Departments of the Government. Sections 42 to 52 of Rule XI. Volume **IV,** section **4315.**

The rule gives to the several committees on expenditures jurisdiction of the pay of officers, abolition of useless offices, and the economy and accountability of officers. Volume **IV,** section **4315.**

The examination of the accounts of the Departments, proper application of public moneys, enforcement of payment of money due the Government, and economy and retrenchment generally are within the jurisdiction of the several committees on expenditures. Volume **IV,** section **4315.**

The several expenditures committees may make investigations with or without specific direction from the House, but authority must be obtained of the House for compelling testimony. Volume **IV,** section **4316.**

The committees on expenditures in the several Departments have reported bills creating and abolishing offices and employments. Volume **IV,** section **4318.**

Legislative propositions relating to the fees and salaries of officers and employees of the Government have been considered by the various committees on expenditures. Volume **IV,** section **4317.**

Bills relating to leaves of absence of officers and clerks of the Government have been considered by the several committees on expenditures. Volume **IV,** section **4320.**

Creation of the Committee on Expenditures in the Department of Commerce and Labor. Volume **IV,** section **4467.**

Examples of the general jurisdiction of the former expenditures committees. Volume **VII,** section **2044.**

EXPENSES. See also "Elections of Representatives" and "Impeachment."

The organic law creating a department authorizes necessary contingent expenses incident to its maintenance. Volume **VII,** section **1273.**

Statutory authorization for maintenance of a governmental service authorizes essential expenses incident thereto. Volume **VII,** section **1235.**

Ratification by law of appointment of delegates to a convention was not construed to authorize appropriations for expenses of an international commission organized by the convention. Volume **VII,** section **1247.**

Subsistence expenses of members of committees on official missions are not reimbursed at commuted rates or on per diem allowances but on vouchers for actual expenses. Volume **VI,** section **205.**

Form of resolution providing for expenses of a select committee of investigation. Volume **VI,** section **388.**

The House in providing for the expenses of a committee of investigation has limited both the amount and purpose of its expenditures. Volume **VI,** section **389.**

An appropriation to reimburse officials for services and expenses, however valid, is an appropriation for a private claim and is not in order on an appropriation bill. Volume **VII,** section **1184.**

EXPERIMENT STATIONS.

The subject of agricultural colleges and experiment stations is within the jurisdiction of the Committee on Agriculture. Volume **IV,** section **4152.**

The Committee on Mines and Mining has reported bills for establishing schools of mines and mining experiment stations. Volume **IV,** section **4226.**

The Committee on Agriculture has reported bills providing for the purchase of land to be used for quarantine stations, experiment stations, forest reserves, and watersheds. Volume **VII,** section **1864.**

EXPERIMENTS.

An appropriation for experiments and demonstrations in livestock production was held to be authorized by the organic law creating the Department of Agriculture. Volume **VII,** section **1129.**

An appropriation for experiments by the Bureau of Ordnance, while not specifically authorized by statute, was held to be in order on an appropriation bill. Volume **VII,** section **1243.**

EXPERT TESTIMONY.

Decision as to the limits within which expert testimony may be admitted in an impeachment trial. Volume **III,** section **2218.**

In the Belknap trial objection was successfully made to an opinion of a subordinate officer as to evidence of the character of respondent's administration. Volume **III,** section **2256.**

EXPLANATION.

The refusal of leave to make a personal explanation is not recorded in the Journal, but as to the granting of such leave the practice is not uniform. Volume **IV,** sections **2863, 2864.**

Personal explanations are allowed only by unanimous consent. Volume **VIII,** section **2484.**

As part of a personal explanation relating to matter excluded from the Congressional Record as out of order a Member may read the matter, subject, however, to a point of order if the reading should develop anything in violation of the rules of debate. Volume **V,** section **5079.**

A Member called to order in debate must take his seat, although he may be permitted by the House to proceed in order or explain even after his words have been taken down. Volume **V,** sections **5181–5184.**

After a demand has been made that words spoken in debate be taken down, explanation of the meaning or proper interpretation of the words is not in order. Volume **VIII,** section **2532.**

Two Members having assaulted one another in Committee of the Whole, the House appointed a committee of inquiry, although the two Members had severally explained to the House and reconciled their quarrel. Volume **II,** section **1651.**

The House having agreed to a resolution of censure and the Member being brought to the bar by the Sergeant-at-Arms to be censured, it was held that he might not then be heard. Volume **II,** section **1259.**

Debate is not admitted after roll call has begun and it is not in order for a Member to explain or otherwise discuss his vote. Volume **VIII,** section **3068.**

In the Watrous investigation of 1857 the written explanation of the accused was printed as part of the report. Volume **III,** section **2497.**

An order affecting the conduct of a manager being presented during an impeachment trial, he was permitted to explain. Volume **III,** section **2207.**

EXPORT BOUNTIES.

The Committee on Agriculture has reported as to export bounties, regulation of importation of trees, shrubs, etc., and as to the effects of the tariff on agriculture. Volume **IV,** section **4155.**

EXPOSITIONS.

The rule gives to the Committee on Industrial Arts and Expositions jurisdiction of "all matters (except those relating to the revenue and appropriations) referring to the centennial of the Louisiana purchase and to proposed expositions." Volume **IV,** section **4353.**

The Committee on Industrial Arts and Expositions has taken a jurisdiction as to expositions which was formerly divided among other committees. Volume **IV,** section **4354.**

EXPOSITIONS—Continued.

A proposition to appropriate for demonstrating processes of manufacturing denatured alcohol at an exposition was held not to be authorized by general law giving the Secretary of Agriculture authority to acquire and diffuse information pertaining to agriculture. Volume **VII,** section **1295.**

The former jurisdiction of the Committee on Industrial Arts and Expositions is now largely exercised by the Committee on Foreign Affairs. Volume **VII,** section **2062.**

EX-PRESIDENT OF THE UNITED STATES.

The House has by appropriate resolutions expressed its respect for the memories of deceased ex-Presidents of the United States. Volume **V,** sections **7185, 7188.** Volume **VIII,** section **3576.**

In rare instances the House has noticed the decrease of a member of the family of a President or ex-President. Volume **V,** sections **7182, 7184.** Volume **VIII,** section **3580.**

Widows of former ex-Presidents are sometimes granted an annuity. Volume **VIII,** section **3584.**

EXPULSION.

(1) The power of, and its nature.
(2) In relation to offenses committed before the Member's election.
(3) Effect of resignation on proceedings for.
(4) Effect of expiration of term on proceedings for.
(5) Procedure on a resolution for.
(6) Cases of, in House and Senate.
(7) Unsuccessful attempts at.
(8) Censure preferred to.
(9) General practice as to, in the House and Senate.
(10) As related to exclusion.
(11) In relation to persons not Members.

(1) The Power of, and Its Nature.

The Constitution provides for the punishment or expulsion of Members. Volume **III,** section **2670.**

The Constitution provides that the House may punish its Members for disorderly behavior and expel a Member by a two-thirds vote. Volume **II,** section **1236.**

The power of the House to expel one of its Members is unlimited; a matter purely of discretion to be exercised by a two-thirds vote, from which there is no appeal. Volume **VI,** section **78.**

Nature and limitations of the constitutional power of expulsion discussed. Volume **II,** section **1264.** Volume **VI,** section **56.**

Discussion of the power of expulsion under the Constitution. Volume **I,** section **476.**

Discussion by a committee of the power of the House to expel or otherwise punish its Members for disorderly behavior. Volume **VI,** section **398.**

The nature and method of exercise of the power of expulsion discussed by the Senate. Volume **II,** section **1269.**

In the early days of the secession movement a question arose as to the right to expel a defiant Senator representing a seceding State. Volume **II,** section **1265.**

The Senate apparently held the view that Reed Smoot might be deprived of his seat only by the two-thirds vote specified by the Constitution for expulsion. Volume **I,** section **483.**

May the House expel a Member-elect before he is sworn in? Volume **I,** section **476.** Volume **II,** section **1262.**

Discussion of the distinction between the power to judge of the elections, returns, and qualifications of the member and the power to expel. Volume **I,** section **469.**

Discussion of reason for requiring two-thirds vote rather than majority vote for expulsion from the Senate. Volume **VI,** section **106.**

EXPULSION—Continued.

(2) In Relation to Offenses Committed Before the Member's Election.

The constitutional power of expulsion is limited in its application to the conduct of Members of the House during their term of office. Volume **VI,** section **56.**

The House will not expel a Member for reprehensible action prior to his election, even when convicted for an offense. Volume **VI,** section **238.**

Discussion of the power of expulsion in its relations to offenses committed before the Member's election and in relation to the power of impeachment. Volume **II,** section **1286.**

Argument that expulsion applies only to acts of a Senator or Member done by him while in such office or in relation to his functions as such officer. Volume **I,** section **481.**

After a discussion of the subject of qualifications and expulsion the House laid on the table a question as to the conduct of a Member in the preceding Congress. Volume **II,** section **1285.**

In 1799 the House declined to expel Matthew Lyon for an offense committed while a Member, but before his reelection to the then existing House. Volume **II,** section **1284.**

Members being charged with bribery committed several years before the election of the then existing House, the House preferred censure to expulsion, but declined to express doubt as to the power to expel. Volume **II,** section **1286.**

The Senate held in 1796 that for a crime alleged to have been committed before his election, but for which the courts had not held him to answer, a Senator should not be tried by the Senate. Volume **II,** section **1288.**

In the case of Humphrey Marshall, accused of committing a crime before his election, the Senate declined to proceed in the absence of prosecuting action from the constituency. Volume **II,** section **1288.**

In the case of William N. Roach, charged with a crime alleged to have been committed before his election, the Senate discussed its power in such a case, but took no action. Volume **II,** section **1289.**

(3) Effect of Resignation on Proceedings for.

A Member whose qualifications were being investigated by a special committee having resigned, the committee was discharged. Volume **VI,** section **238.**

A Member convicted in the courts resigned after the House had ordered an inquiry. Volume **VI,** section **238.**

A Member threatened with expulsion having resigned, the House ceased the proceedings of expulsion and censured him. Volume **II,** section **1273.**

Members accused of corruption having resigned, proceedings to expel them were discontinued. Volume **II,** section **1275.**

A Member having resigned, and expulsion therefore not being proposed, the House adopted a resolution censuring his conduct. Volume **II,** section **1239.**

A Senator having resigned, the Senate desisted from proceedings to declare his seat vacant or to expel him. Volume **II,** section **1279.**

(3) Effect of Resignation of Term on Proceedings for.

A Senator's term having expired before a pending resolution of expulsion was agreed to, the Senate discontinued the proceedings. Volume **II,** section **1276.**

(5) Procedure on a Resolution for.

Resolutions providing for the expulsion of a Member were presented as privileged. Volume **VI,** section **236.**

A proposition relating to the expulsion of a Member presents a question of privilege, which supersedes the regular order of business. Volume **III,** section **2638.**

A discussion as to whether or not the principles of the procedure of the courts should be followed in action for expulsion. Volume **II,** section **1264.**

In the proceedings for expulsion the House declined to give the Members a trial at the bar. Volume **II,** section **1275.**

EXPULSION—Continued.

(5) Procedure on a Resolution for—Continued.

In the absence of a Member against whom resolutions of expulsion were offered, consideration of the resolutions was postponed with notice that the Sergeant-at-Arms would be asked to deliver to the Member or his secretary a copy of the resolution with notice of its pending consideration. Volume **VI,** section **236.**

The House provided that a Member whom it was proposed to expel should be heard in his own defense. Volume **II,** section **1273.**

A Member against whom was pending a resolution of expulsion was permitted to address the House by unanimous consent. Volume **II,** section **1275.**

A Member against whom a resolution of expulsion was pending was permitted to address the House as a matter of right. Volume **II,** section **1286.**

A Member whose expulsion was proposed was permitted to present a written defense, but not to depute another Member to speak in his behalf. Volume **II,** section **1273.**

An amendment proposing expulsion of a Member was agreed to by a majority vote, but on the proposition as amended a two-thirds vote was required. Volume **II,** section **1274.**

A proposition to censure is not germane to a proposition to expel. (Contra 5923.) Volume **VI,** section **236.**

The written protest of a Member against his proposed expulsion does not go into the Journal except by order of the House. Volume **II,** section **1275.**

A Senator was present during consideration of a resolution for his own expulsion and participated in the debate. Volume **II,** section **1269.**

A committee having recommended the expulsion of a Senator, the Senate allowed him to be heard by counsel at the bar of the Senate before action on the report. Volume **II,** section **1263.**

The Senate allowed a Member threatened with expulsion to be heard by counsel, but did not grant his request for a specific statement of charges or compulsory process for witnesses. Volume **II,** section **1264.**

An election committee, while authorized to subpoena witnesses and compel the production of papers in an election case, is without such authority in proceeding for expulsion unless authorized by the House. Volume **VI,** section **77.**

(6) Cases of, in House and Senate.

Two Members were expelled for treason, and the House ordered the governors of their respective States to be notified. Volume **II,** section **1261.**

A Member-elect who had not taken the oath was expelled from the House for treason. Volume **II,** section **1262.**

William Blount, for a high misdemeanor inconsistent with his public trust and duty was expelled from the Senate. Volume **II,** section **1263.**

For expressions hostile to the Government, absence from his seat, and presence within the lines of the enemy, Trusten Polk was expelled from the Senate. Volume **II,** section **1270.**

For a letter implying friendship with the foes of the Government, Jesse D. Bright was expelled from the Senate. Volume **II,** section **1269.**

"For sympathy with and participation in the rebellion" a Senator was expelled after examination of his case by a committee. Volume **II,** section **1268.**

For bearing arms against the Government John C. Breckinridge was summarily expelled from the Senate. Volume **II,** section **1267.**

By a single resolution the Senate expelled several Senators for treasonable conspiracy against the Government. Volume **II,** section **1266.**

For abuse of the leave to print, the House censured a Member after a motion to expel him had failed. Volume **VI,** section **236.**

In 1846 the Senate investigated a general newspaper charge of corruption. Volume **III,**section **1835.**

EXPULSION—Continued.

(6) Cases of, in House and Senate—Continued.

The President of the United States transmitted to the Senate a letter impeaching the conduct of a Senator, Volume **II,** section **1263.**

A Senator having been indicted by a grand jury asked and obtained an investigation by a committee of the Senate. Volume **III,** section **1839.**

The Senate requested of the House and received a copy of testimony taken before a House committee and implicating a Senator. Volume **III,** section **1837.**

Testimony taken before a joint select committee tending to impeach the official character of a Senator and a Representative, the committee ordered the testimony to be reported to each House. Volume **III,** section **1854.**

The investigation of charges against L.F. Grover, a Senator from Oregon. Volume **III,** section **1838.**

The investigation of charges against Stanley Matthews, a Senator from Oregon. Volume **III,** section **1837.**

The Senate ordered a Senator to attend in his place when a report relating to charges against him was to be presented. Volume **II,** sections **1263, 1264.**

Stanley Matthews, a Senator from Ohio, was sworn and examined before a Senate committee appointed to investigate his conduct. Volume **III,** section **1837.**

A citizen who while a Member of the Senate had been subject to investigation was allowed to submit a paper to be filed and printed with the report. Volume **II,** section **1276.**

A Senator being indicted for fraud, made a personal explanation and withdrew from the Senate pending the trial. Volume **II,** section **1278.**

Instance wherein a Senator accused of crime was omitted from committees at his own request. Volume **IV,** section **4479.**

A Senator having died while under conviction of crime, no announcement of his death was made to the Senate. Volume **IV,** section **4479.**

Form of resolution providing for investigation of charges against a Senator. Volume **III,** sections **1837, 1838.**

Form of resolution authorizing the investigation of the right and title of Reed Smoot to a seat in the Senate. Volume **I,** section **481.**

The written answer of a Senator to charges made against him was returned by the Senate because it contained irrelevant matter. Volume **II,** section **1264.**

Discussion of the decision of the Senate in the matter of charges against Humphrey Marshall, a Senator. Volume **II,** section **1264.**

The Senate took steps looking to punishment of a convicted Senator, although an application for rehearing of an appeal was pending. Volume **II,** section **1282.**

Two Senators having been declared in contempt, a question was raised as to the right to suspend their functions as Senators, including their right to vote, but was not decided. Volume **II,** section **1665.**

Reference to an affray between two Senators on the floor of the Senate in 1850. Volume **II,** section **1664.**

In early and infrequent instances of misunderstandings and disorder in the Senate no action was taken beyond investigation. Volume **II,** sections **1663–1664.**

(7) Unsuccessful Attempts at.

The House declined to expel either Matthew Lyon or Roger Griswold for an affray on the floor of the House. Volume **II,** section **1643.**

The House in 1836 neglected to punish by expulsion or censure the surviving principal and his seconds in a duel arising over words spoken in debate. Volume **II,** section **1644.**

The House failed to agree to a resolution to expel a Member for assaulting a Senator. Volume **II,** section **1621.**

EXPULSION—Continued.

Unsuccessful Attempts at—Continued.

The Senate failed, by one vote, to expel John Smith, charged with participation in a treasonable conspiracy. Volume **II,** section **1264.**

The Senate did not consider Lazarus W. Powell worthy of expulsion because he had formerly counselled his State to be neutral between the Government and its enemies. Volume **II,** section **1271.**

A Senator having used words which might incite treason, a resolution of expulsion was proposed, but withdrawn upon explanation. Volume **II,** section **1272.**

Instances of expulsion proposed in the Senate but not effected. Volume **II,** sections **1280, 1281.**

A Senate committee having, on the strength of ex parte affidavits, found Benjamin Stark disloyal, the Senate disagreed to a resolution for his expulsion. Volume **I,** section **443.**

For abuse of the leave to print, the House censured a Member after a motion to expel him had failed. Volume **VI,** section **1236.**

(8) Censure Preferred to.

After considering the question of expulsion the House censured a Member for words alleged to be treasonable. Volume **II,** section **1253.**

For words alleged to be treasonable the House censured a Member after a motion to expel him had failed. Volume **II,** section **1254.**

The House refused to expel, but censured, a Member who had accepted money for appointing a cadet at the Military Academy. Volume **II,** section **1274.**

The attempt to expel and the censure of B. F. Whittemore in the Forty-first Congress. Volume **II,** section **1273.**

The House, after declining to expel, censured a Member for contempt in assaulting another Member for words spoken in debate. Volume **II,** section **1656.**

After abandoning a proposition to expel, the House arrested and censured a Member for gross personalities aimed at another Member and for deception of the Speaker when the latter had proposed to prevent the utterances. Volume **II,** section **1251.**

The question on agreeing to resolutions of expulsion having been decided adversely, the Speaker recognized a Member of the opposition to offer resolutions of censure. Volume **VI,** section **236.**

For abuse of the leave to print, the House censured a Member after a motion to expel him had failed. Volume **VI,** section **236.**

Form of censure administered by the Speaker to a Member by order of the House. Volume **VI,** section **236.**

(9) General Practice as to, in the House and Senate.

An amendment to censure a Member has been held germane to a resolution for his expulsion. Volume **V,** section **5923.**

For an assault during debate in Committee of the Whole the House, after expulsion had been suggested, exacted apologies from a Member. Volume **II,** section **1650.**

For an assault during debate in Committee of the Whole the House, after expulsion had been suggested, exacted apologies from two Members. Volume **II,** section **1657.**

The House considered but did not act on propositions to expel or censure a Member who had published in a newspaper an article alleged to be in violation of the privileges of the House. Volume **II,** section **1245.**

Discussion as to whether or not the expulsion of a Delegate should be affected by a majority or a two-third vote. Volume **I,** section **469.**

In 1873 the Elections Committee concluded that a Delegate who had been sworn could be reached on a question of qualifications only by process of expulsion. Volume **I,** section **469.**

EXPULSION—Continued.

(9) General Practice as to, in the House and Senate—Continued.

It is not essential that a resolution authorizing an investigation of the conduct of Senators shall specify censure or expulsion in order that the Senate may constitutionally compel testimony. Volume **II,** section **1614.**

Impeachment proceeding against a Senator were continued after his expulsion. Volume **II,** section **1263.**

A final judgment of conviction under section 1782, Revised Statutes, does not operate ipso facto to vacate the seat of a convicted Senator or compel the Senate to expel him. Volume **II,** section **1282.**

Instance of the presentation in the Senate of a petition for the expulsion of a Senator. Volume **II,** section **1241.**

A majority of the Senate committee considered Reed Smoot's membership in a religious hierarchy that countenanced and encouraged polygamy a reason for removing him from the Senate. Volume **I,** section **482.**

Convinced that Reed Smoot had take an oath of hostility to the nation, a majority of the Senate committee held this a reason for vacating his seat as a Senator. Volume **I,** section **482.**

The withdrawal of a Senator to join the foes of the Government was held to create a vacancy which a legislature could recognize, although the Senate had not expelled him. Volume **I,** section **383.**

A Member of the Senate being expelled, the Senate notified the governor of his State. Volume **II,** section **1270.**

In a single instance the Senate annulled its action in expelling a Senator. Volume **II,** section **1243.**

It is the custom of the House to defer final action against Members under criminal charges pending disposition in the court of last resort. Volume **VI,** section **238.**

A committee announced as a fundamental principle that the House could not permit in its membership a person serving a sentence for crime. Volume **VI,** section **238.**

A Member convicted by the courts refrained from participation in the proceedings of the House pending action on his appeal. Volume **VI,** section **238.**

Violation of the corrupt practices acts, either Federal or State, are tried in the respective courts having jurisdiction and not in the House of Representatives, but any Member found to have violated such acts is subject to prompt expulsion. Volume **VI,** section **77.**

For unparliamentary language and an assault two Senators were declared in contempt and later were censured. Volume **II,** section **1665.**

Two Senators declared by the Senate to be in contempt were allowed to speak only after permission had been given by the Senate. Volume **II,** section **1665.**

(10) As Related to Exclusion.

May a returned Member, already sworn, but found disqualified, be excluded by majority vote? Volume **II,** section **946.**

In 1856 the House considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I,** section **415.**

In 1856 the Senate considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I,** section **416.**

A Member having disqualified himself by accepting an office in the Army, a resolution for his exclusion may be agreed to by majority vote. Volume **I,** section **490.**

In a sustained report in 1900 the majority of the committee favored the exclusion, and not the expulsion, of a Member-elect admitted to be engaged in the practice of polygamy. Volume **I,** section **476.**

While a majority of the Senate Committee agreed that Reed Smoot was not entitled to his seat, they could not decide whether he should be excluded or expelled. Volume **I,** section **482.**

EXPULSION—Continued.

(10) As Related to Exclusion—Continued.

B. F. Whittemore, being reelected to the same House from which he had resigned to escape expulsion for crime, was excluded from taking the oath and his seat. Volume **I,** section **464.**

Reed Smoot's membership in a religious hierarchy that united church and state, contrary to the spirit of the Constitution, was held by the majority of the Senate committee a reason for vacating his seat. Volume **I,** section **482.**

In 1873 it was proposed by a majority of the Elections Committee to exclude Delegate George Q. Cannon for polygamy, but the resolution was not considered. Volume **I,** section **470.**

In 1882 the House, by majority vote and for the disqualification of polygamy, excluded Delegate George Q. Cannon, who had not been sworn on his prima facie showing. Volume **I,** section **473.**

(11) In Relation to Persons not Members.

Instance wherein a newspaper correspondent was expelled from the House for an offense connected with pending legislation. Volume **III,** section **1669.**

For improper conduct in connection with legislation reporters have been expelled from the House. Volume **II,** section **238.**

For publications affecting the reputations of Members reporters have been expelled from the House. Volume **II,** sections **1636, 1637.**

Resignation and expulsion from the Board of Regents of the Smithsonian Institution. Volume **V,** sections **7340, 7341.**

EXPUNGE. See "Congressional Record" and 'Journal."

EX-SPEAKER.

Ceremonies at the presentation of portraits of ex-speakers. Volume **V,** sections **7065–7069.**

EXTENSION OF REMARKS. SEE "Congressional Record."

EXTENSION OF TIME FOR TAKING TESTIMONY IN AN ELECTION CASE. See "Elections of Representatives."

EXTRADITION.

The subjects of criminals, crimes, penalties, and extradition are within the jurisdiction of the Committee on the Judiciary. Volume **IV,** section **4069.**

The subjects of extradition with foreign nations, international arbitration, and violations of neutrality have been within the jurisdiction of the Committee on Foreign Affairs. Volume **IV,** section **4178.**

EXTRAORDINARY SESSION.

At an extraordinary session the House sometimes adopts a rule limiting the business to be considered. Volume **IV,** sections **3064–3068.**

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