

TITLE II.

THE CONGRESS.

CHAPTER ONE.

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SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva-voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva-voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever on the meeting of the legislature of any State a vacancy exists in the representation of such State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State.

When Senator to be elected.

25 July, 1866, c. 245, s. 1, v. 14, p. 243.

Mode of election.

25 July, 1866, c. 245, s. 1, v. 14, p. 243.

Vacancy occurring before meeting of legislature.

25 July, 1866, c. 245, s. 2, v. 14, p. 243.

Vacancy during session of legislature.

25 July, 1866, c. 245, s. 2, v. 14, p. 243.

Election of Senators certified.

25 July, 1866, c. 245, s. 3, v. 14, p. 244.

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25 July, 1866, c. 245, s. 3, v. 14, p. 244.

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Number and apportionment of Representatives.

2 Feb., 1872, c. 11, s. 1, v. 17, p. 28.

SEC. 20. After the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and ninety-two members, to be apportioned among the several States as follows:

Maine	5
New Hampshire	3
Vermont	3
Massachusetts	11
Rhode Island	2
Connecticut	4
New York	33
New Jersey	7
Pennsylvania	27
Delaware	1
Maryland	6
Virginia	9
North Carolina	8
South Carolina	5
Georgia	9
Alabama	8
Mississippi	6
Louisiana	6
Ohio	20
Kentucky	10
Tennessee	10
Indiana	13
Illinois	19
Missouri	13
Arkansas	4
Michigan	9
Florida	2
Texas	6
Iowa	9
Wisconsin	8
California	4
Minnesota	3
Oregon	1
Kansas	3
West Virginia	3
Nevada	1
Nebraska	1

Representatives assigned to new States.

23 May, 1850, c. 11, s. 25, v. 9, p. 432. Conway v. United States, 1 Penn & H., 68.

Reduction of representation under amendment 14.

2 Feb., 1872, c. 11, s. 6, v. 17, p. 29.

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number two hundred and ninety-two.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article fourteen, section two, except for participation in the rebellion or other crime, the number of representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative; but in the election of Representatives to the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

SEC. 24. On the first Wednesday in September, in the year eighteen hundred and seventy-four, there shall be elected in each congressional district in the State of California one Representative to represent said State in the Forty-fourth Congress.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter. [See §§ 1863, 1905, 1906.]

SEC. 26. The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

SEC. 27. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise whose election for Representatives occurs previous to the regular meeting of its legislature next after the twenty-eighth day of February, eighteen hundred and seventy-one. [See §§ 5511-5515, 5520.]

Election by districts.

2 Feb., 1872, c. 11, s. 2, v. 17, p. 28.
30 May, 1872, c. 239, v. 17, p. 192.

Representative from California in Forty-fourth Congress.

3 Mar., 1873, c. 239, s. 187, v. 18, p. 48.
Time of election.

2 Feb., 1872, c. 11, s. 3, v. 17, p. 28.
3 Mar., 1875, c. 130, s. 6, v. 18, p. 400.

Vacancies.

2 Feb., 1872, c. 11, s. 4, v. 17, p. 29.

Votes by ballot.

28 Feb., 1871, c. 99, s. 19, v. 16, p. 440.
30 May 1872, c. 239, v. 17, p. 192.

CHAPTER THREE.

ORGANIZATION OF MEETINGS OF CONGRESS.

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29. Oath of President of the Senate.

30. Oath of Speaker, members, and Delegates.

31. Roll of Representatives-elect.

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32. When roll made by Sergeant-at-Arms.

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34. President may change place of meeting, when.

SEC. 28. The oath of office shall be administered by the President of the Senate to each Senator who shall hereafter be elected, previous to his taking his seat.

SEC. 29. When a President of the Senate has not taken the oath of office, it shall be administered to him by any member of the Senate.

Oath of Senators.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Oath of President of the Senate.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

SEC. 30. At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any member of the House of Representatives to the Speaker; and by the Speaker to all the members and delegates present, and to the Clerk, previous to entering on any other business; and to the members and delegates who afterward appear, previous to their taking their seats.

Oath of Speaker, members, and Delegates.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Roll of Representatives-elect.

21 Feb., 1867, c. 56, s. 1, v. 14, p. 397.
3 Mar., 1863, c. 108, v. 12, p. 804.

When roll made by Sergeant-at-Arms.

21 Feb., 1867, c. 56, s. 2, v. 14, p. 397.

When by Door-keeper.

21 Feb., 1867, c. 56, s. 2, v. 14, p. 397.

President may change place of meeting, when.

3 April, 1794, c. 17, v. 1, p. 353.

SEC. 31. Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States.

SEC. 32. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.

SEC. 33. In case of vacancies in the offices of both the Clerk and the Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Door-keeper of the next preceding House of Representatives.

SEC. 34. Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper.

CHAPTER FOUR.

COMPENSATION OF MEMBERS

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Salaries of members of Congress.

3 Mar., 1863, c. 226, s. 1, v. 17, p. 486.

20 Jan., 1874, c. 11, v. 18, p. 4.

Compensation of President of Senate.

SEC. 35. Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of seven thousand five hundred dollars a year.

The act of January 20, 1874, c. 11, v. 18, p. 4, reduced the pay of Senators, Representatives, and Delegates to five thousand dollars each, and the compensation of the Speaker of the House of Representatives to eight thousand dollars.

SEC. 36. Whenever there is no Vice-President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice-President.

16 Aug., 1856, c. 123, s. 2, v. 11, p. 48. 20 Jan., 1874, c. 11, v. 18, p. 4.

Salary of Speaker.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486. 20 Jan., 1874, c. 11, v. 18, p. 4.

SEC. 37. The Speaker of the House of Representatives is entitled to receive, in full for all his services, compensation at the rate of ten thousand dollars a year.

SEC. 38. Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker; but, in case the Clerk of the House of Representatives shall be notified that the election of any such holder of a certificate of election will be contested, his name shall not be placed upon the roll of members-elect so as to entitle him to be paid, until he shall have been sworn in as a member, or until such contest shall be determined.

Salary payable monthly to Representatives and Delegates elect.

3 Mar., 1873, c. 126, s. 1, v. 17, p. 488.

20 Jan., 1874, c. 11, v. 18, p. 4.

Repealed in part by 3 Mar., 1875, c. 130, v. 18, p. 389.

So much of this section as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of legal certificates whose election he may be notified will be contested, was repealed by a provision in c. 130, St. 1875, v. 18, p. 389.

SEC. 39. Each member and delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

Salary payable monthly after taking oath.

29 Mar., 1867, Res. No. 18, v. 15, p. 24.

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each member or delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such member or delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

Deductions for absence.

16 Aug., 1856, c. 123, s. 6, v. 11, p. 49.

SEC. 41. When any member or delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives respectively.

Deductions for withdrawal from seat.

17 July, 1862, Res. No. 68, s. 2, v. 12, p. 628.

SEC. 42. When any book is ordered to and received by any member or delegate, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such member or delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the member or delegate was elected.

Deductions for books.

16 Aug., 1856, c. 123, s. 5, v. 11, p. 49.

SEC. 43. No member or delegate is entitled to any allowance for newspapers.

Newspapers.

12 Feb., 1868, c. 8, s. 1, v. 15, p. 35.

SEC. 44. No compensation or allowance shall now or hereafter be made to Senators, Representatives, or Delegates on account of postage.

Postage.

31 Jan., 1873, c. 82, v. 17, p. 421. 3 Mar., 1877, c. 103, s. 7, v. 19, p. 336.

SEC. 45. The compensation of Senators, Representatives, and Delegates, as prescribed in section thirty-five, shall be in lieu of all pay and allowance, except actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs, to be certified under his hand to the disbursing officer and filed as a voucher.

Salary in lieu of all allowances, except traveling.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

20 Jan., 1874, c. 11, v. 18, p. 4.

SEC. 46. The compensation of members and delegates shall be passed as public accounts, and paid out of the public Treasury.

Mode of payment.

22 Jan., 1818, c. 5, s. 3, v. 3, p. 404. 10 Feb., 1854, c. 11, s. 1, v. 10, p. 267.

Certificate of salary and accounts.

28 July, 1866, c. 296, s. 17, v. 14, p. 323. 22 Jan., 1818,

Effect of certificate.

30 Sept., 1850, c. 90, s. 1, v. 9, p. 523.

Pay of member dying after commencement of a Congress.

3 Mar., 1859, Res. No. 14, s. 1, v. 11, p. 442.

20 Jan., 1874, c. 11, v. 18, p. 4.

Limits of the rule.

3 Mar., 1859, Res. No. 14, s. 1, v. 11, p. 442.

Pay of members elected to fill vacancies.

12 July, 1862, Res. No. 54, v. 12, p. 624.

SEC. 47. The salary and accounts for traveling expenses in going to and returning from Congress of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives.

c. 5, s. 3, v. 3, p. 404.

SEC. 48. The certificate given pursuant to the preceding section shall be conclusive upon all the Departments and officers of the Government.

SEC. 49. When any person who has been elected a member of or delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of seven thousand five hundred dollars a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.

SEC. 50. Salaries allowed under the preceding section shall be computed and paid, in all cases, for a period of not less than three months from the commencement of the Congress.

SEC. 51. Whenever a vacancy occurs in either House of Congress, by death or otherwise, of any member or delegate elected or appointed thereto after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

CHAPTER FIVE.

OFFICERS AND PERSONS IN THE EMPLOY OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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Officers and employés of Senate.

3 Mar., 1873, c. 226, v. 17, p. 486.

20 Jan., 1874, c. 11, v. 18, p. 4.

SEC. 52. The following persons are employed in the service of the Senate:*

One Secretary of the Senate, at a salary of five thousand dollars a year.

One officer charged with the disbursements of the Senate, at a salary of five hundred and seventy-six dollars a year.

One chief clerk, at a salary of three thousand dollars a year, and while such office is held by the present incumbent, and no longer, an additional sum of one thousand dollars.

*See schedule of salaries in Appendix.

One principal clerk, at a salary of three thousand six hundred dollars a year; one principal executive clerk, one minute and journal clerk, and one financial clerk, in the office of the Secretary of the Senate, at a salary of three thousand dollars a year each.

Librarian and seven clerks in the office of the Secretary of the Senate, at a salary of two thousand five hundred dollars a year each.

One keeper of the stationery, at a salary of two thousand four hundred dollars a year.

One assistant keeper of the stationery, at a salary of one thousand eight hundred dollars a year.

One laborer in stationery-room, at a salary of nine hundred and ninety-three dollars and sixty cents a year.

One messenger, at a salary of one thousand four hundred and ninety dollars and forty cents a year.

One page, at a salary of eight hundred and twenty-eight dollars a year.

One Sergeant-at-Arms and Door-keeper, at a salary of four thousand three hundred and twenty dollars a year; but he is prohibited from receiving, directly or indirectly, any fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith.

20 June, 1874, c.
328, v. 18, p. 85.
3 Mar., 1875, c.
129, v. 18, p. 344.

One assistant door-keeper, while such position is held by the present incumbent, and no longer, at a salary of three thousand dollars a year, and, after it ceases to be so held, at a salary of two thousand five hundred and ninety-two dollars a year.

One acting assistant door-keeper, at a salary of two thousand five hundred and ninety-two dollars a year.

One postmaster to the Senate, at a salary of two thousand five hundred and ninety-two dollars a year.

One assistant postmaster and mail-carrier, at a salary of two thousand dollars a year.

Two mail-carriers, at a salary of one thousand seven hundred dollars a year each.

One superintendent of the document-room, at a salary of two thousand five hundred dollars a year.

One first assistant in document-room, at a salary of two thousand five hundred dollars a year.

One second assistant in document-room, at a salary of one thousand eight hundred dollars a year.

One superintendent of the folding-room, at a salary of two thousand four hundred and eighty-four dollars a year.

Three messengers, acting as assistant door-keepers, at a salary of two thousand and seventy dollars a year each.

Twenty messengers, to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate, at a salary of one thousand six hundred and fifty-six dollars a year each.

One secretary to the President of the Senate, at a salary of two thousand four hundred and seventeen dollars and seventy-six cents a year.

One clerk to the Committee on Finance, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk to the Committee on Claims, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk of printing records, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk to the Committee on Appropriations, at a salary of two thousand five hundred and fifty-three dollars a year.

One laborer in charge of private passage, at a salary of nine hundred and ninety-three dollars and sixty cents a year.

One special policeman, at a salary of one thousand two hundred and ninety-six dollars a year.

One Chaplain to the Senate, at a salary of nine hundred dollars a year.

One chief engineer, at a salary of two thousand four hundred and eighty-four dollars a year.

Three assistant engineers, at a salary of one thousand eight hundred dollars a year each.

Two firemen, at a salary of one thousand two hundred and fifty-nine dollars and twenty-five cents a year each.

Three laborers, at a salary of eight hundred and thirty-nine dollars and fifty cents a year each.

Fourteen pages for the Senate Chamber, two riding-pages, one page for the Vice-President's room, and one page for the office of the Secretary of the Senate, to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate, at a salary of three dollars and forty-five cents a day each while actually employed.

Officers and employés of House of Representatives.

SEC. 53. The following persons are employed in the service of the House of Representatives:*

One Clerk of the House, at a salary of five thousand dollars a year.

3 Mar., 1873, c. 226, v. 17, p. 486.
20 Jan., 1874, c. 11, v. 18, p. 4.
3 Mar., 1875, c. 129, v. 18, p. 345.

One officer charged with disbursing the contingent fund and other expenses of the House of Representatives, at an annual allowance of five hundred and seventy-six dollars.

One chief clerk, while such position is held by the present incumbent, and no longer, at a salary of three thousand six hundred dollars a year, and when it ceases to be so held, at a salary of three thousand dollars a year.

One journal-clerk, while such position is held by the present incumbent and no longer, at a salary of three thousand six hundred dollars a year, and when it ceases to be so held, at a salary of three thousand dollars a year.

Six assistant clerks, at a salary of three thousand dollars a year each.

One assistant clerk, at a salary of three thousand dollars a year.

Ten assistant clerks, including a librarian and assistant librarian, at a salary of two thousand five hundred dollars a year each.

Four assistant clerks, at a salary of one thousand eight hundred dollars a year each.

One chief messenger, at a salary of six dollars and sixty-two and two-fifths cents a day.

One private secretary to the Speaker, at a salary of two thousand four hundred and seventeen dollars and seventy-six cents a year.

One clerk to the Speaker, at a salary of six dollars and sixty-two and two-fifths cents a day.

Three messengers, at a salary of one thousand six hundred and fifty-six dollars a year each.

One messenger in the House library, at a salary of one thousand six hundred and fifty-six dollars a year.

One chief engineer, at a salary of two thousand four hundred and eighty-four dollars a year.

Three assistant engineers, at a salary of one thousand six hundred and fifty-six dollars a year each.

Six firemen, at a salary of one thousand two hundred and fifty-nine dollars and twenty-five cents a year each.

One clerk to the Committee of Ways and Means, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One messenger to the Committee of Ways and Means, at a salary of one thousand three hundred and fourteen dollars a year.

One clerk to the Committee on Appropriations, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One messenger to the Committee on Appropriations, at a salary of one thousand three hundred and fourteen dollars a year.

One clerk to the Committee of Claims, at a salary of two thousand four hundred and eighty-four dollars a year.

One clerk to the Committee on Public Lands, at a salary of two thousand four hundred and eighty-four dollars a year.

*See schedule of salaries, Appendix.

One Sergeant-at-Arms, at a salary of four thousand three hundred and twenty dollars a year, who is prohibited from receiving, directly or indirectly, any fees or other compensation or emolument whatever for performing the duties of his office, or in connection therewith. 20 June, 1874, c. 328, v. 18, p. 87.

One clerk to the Sergeant-at-Arms, at a salary of two thousand eight hundred and seventy-five dollars a year.

One paying-teller for the Sergeant-at-Arms, at a salary of two thousand and seventy dollars a year.

One messenger to the Sergeant-at-Arms, at a salary of one thousand six hundred and fifty-six dollars a year.

One Doorkeeper, at a salary of three thousand dollars a year; while such position is held by the present incumbent, and no longer, and after it ceases to be so held, at a salary of two thousand five hundred and ninety-two dollars a year.

One first assistant door-keeper, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One Postmaster to the House, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One first assistant postmaster, at a salary of two thousand four hundred and one dollars and twenty cents a year.

Four messengers, at a salary of one thousand nine hundred and eighty-seven dollars and twenty cents a year each.

Three mail-carriers, at a salary of one thousand nine hundred and eighty-seven dollars and twenty cents a year each.

Seven mail-carriers, at a salary of one thousand and forty-two dollars a year each.

One Chaplain to the House, at a salary of nine hundred dollars a year.

Two stenographers, at a salary of five thousand and thirty-seven dollars a year each.

One superintendent of the folding-room, at a salary of two thousand four hundred and eighty-four dollars a year.

One superintendent of the document-room, at a salary of two thousand one hundred and sixty dollars a year.

One assistant superintendent of the document-room, at a salary of two thousand one hundred and sixty dollars a year.

One document-file clerk, at a salary of two thousand and seventy dollars a year.

Five messengers, at a salary of two thousand and seventy dollars a year each.

Six messengers, at a salary of one thousand six hundred and fifty-six dollars a year each.

Twelve messengers, during the session, at the rate of one thousand six hundred and fifty-six dollars a year each.

One laborer, at a salary of nine hundred and forty-three dollars a year.

Fifteen laborers, at a salary of eight hundred and twenty-eight dollars a year each.

Seven laborers, during the session, at a salary of eight hundred and twenty-eight dollars a year each.

Twenty-eight pages, including three riding pages, at a salary of three dollars and forty-five cents a day each while actually employed.

SEC. 54. No person shall be employed as a reporter for the House of Representatives without the approval of the Speaker. Reporters for House of Representatives.

2 April, 1872, c. 79, s. 3, v. 17, p. 47.

SEC. 55. The salaries of the Chaplains of the two Houses of Congress are payable as follows: one-twelfth thereof on the last day of each month during each regular session of Congress, and the residue at the end of each regular session. Chaplains' salaries.

4 Aug., 1854, c. 242, s. 12, v. 10, p. 573. 3 Mar., 1857, Res. No. 14, v. 11, p. 255.

Secretary of the Senate a disbursing officer.

10 Feb., 1854, c. 11, s. 1, v. 10, p. 267.

Bond of Secretary of Senate.

10 Feb., 1854, c. 11, s. 2, v. 13, p. 267.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 112.

Bond of Clerk of the House.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

Custody of bonds.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

Reports of Secretary and Clerk.

26 Aug., 1842, c. 202, ss. 11 and 20, v. 5, pp. 525, 527.

What to exhibit.

1 Mar., 1823, Res. No. 1, v. 3, p. 789.

Reports of subordinate disbursing officers.

26 Aug., 1842, c. 202, s. 20, v. 5, p. 527.

SEC. 56. The moneys which may be appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid at the Treasury, on requisitions drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law, and the Secretary shall be deemed a disbursing officer. [See § 1775.]

SEC. 57. The Secretary of the Senate shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the compensation of members and officers or the contingent expenses of the Senate, give a bond to the United States, with one or more sureties to be approved by the First Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such funds as may be drawn by him from the Treasury as disbursing officer of the Senate.

SEC. 58. The Clerk of the House of Representatives shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the contingent expenses of the House, give a bond to the United States, with one or more sureties, to be approved by the First Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such portions of the contingent fund of the House as shall come into his hands.

SEC. 59. The bonds given pursuant to the two preceding sections shall be deposited in the office of the First Comptroller of the Treasury.

10 Feb., 1854, c. 11, s. 2, v. 10, p. 267.

SEC. 60. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year or any part thereof, employed in their respective offices, and those of the messengers of the respective Houses; together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons, or such messengers, have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons, and the appointment of others in their stead, is required for the better dispatch of business.

Second. A detailed statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent.

SEC. 61. Each of the statements required by the preceding section shall exhibit, also, the several sums drawn by the Secretary and Clerk, respectively, from the Treasury, and the balances, if any, remaining in their hands.

SEC. 62. The Secretary of the Senate and the Clerk of the House of Representatives shall each require of the disbursing officers acting under their direction or authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time, during the next preceding year, expended by them; and the results of such returns and the sums total shall be communicated annually to Congress, by the Secretary and Clerk, respectively.

SEC. 63. All expenditures of the Senate and House of Representatives shall be made up to the end of each fiscal year, and shall be reported to Congress at the commencement of each regular session.

Reports of expenditures.

8 May, 1872, c. 287, v. 19, p. 156.

SEC. 64. The Secretary of the Senate and the Clerk of the House of Representatives shall, as soon as may be after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session, a statement of the new offices created and the salaries attached to each, and a statement of the offices the salaries attached to which are increased and the amount of such increase.

Statements of appropriations and offices.

4 July, 1836, c. 356, s. 6, v. 5, p. 117.

SEC. 65. [*The Secretary of the Senate and the Clerk of the House of Representatives shall, immediately after the expiration of each Congress, advertise three weeks successively, in two newspapers printed in the District of Columbia, for proposals for supplying the Senate and House of Representatives, respectively, during the succeeding Congress, with the necessary stationery.*] [The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress with the necessary stationery.]

Advertisements for stationery.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

18 Feb., 1875, c. 80, v. 18, p. 316.

SEC. 66. The advertisement published under the preceding section must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.

Form of advertisement.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

SEC. 67. [*The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall, in the month of April, after completing the publication of the advertisement directed in the two preceding sections, notify the lowest bidder whose sureties are deemed sufficient, of the acceptance of his proposals.*] [All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract, and give such security. And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.]

Notice of acceptance of proposals.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

18 Feb., 1875, c. 80, v. 18, pp. 316, 317.

SEC. 68. The three preceding sections shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished.

Contracts for separate parts of stationery.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

SEC. 69. The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.

American goods to be preferred.

17 June, 1844, c. 105, s. 1, v. 5, p. 681.

SEC. 70. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.

Detailed reports of receipts and expenditures.

15 July, 1870, c. 302, s. 1, v. 16, p. 365.

Fees for copies from journals.

8 Aug., 1846, c. 107, s. 2, v. 9, p. 80.
15 Sept., 1789, c. 14, s. 6, v. 1, p. 69.
23 April, 1856, c. 20, v. 11, p. 5.

Accounts of property.

15 July, 1870, c. 302, s. 2, v. 16, p. 365.

Door-keepers' duties.

12 April, 1792, c. 20, v. 1, p. 252.

Mileage of officers serving process.

5 Feb., 1859, c. 21, s. 2, v. 11, p. 379.
r. 18, p. 317.

Abridgment of accompanying documents.

25 June, 1864, c. 155, s. 1, v. 13, p. 184.

Payments from contingent fund.

14 Mar., 1864, c. 30, s. 1, v. 13, p. 22, (26.)

Congressional Directory.

14 Feb., 1865, Res. No. 15, v. 13, p. 568.

Printing of debates.

3 Mar., 1873, c. 227, s. 1, v. 17, p. 510.

22 Jan., 1874, c. 14, v. 18, p. 5.

Publication of laws.

8 May, 1872, c. 140, s. 1, v. 17, p. 66.
23 June, 1874, c. 456, s. 4, v. 18, p. 232.

SEC. 71. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the journal of the Senate or the executive journal of the Senate when the injunction of secrecy has been removed, or from the journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared the sum of ten cents for each sheet containing one hundred words.

SEC. 72. The Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant-at-Arms, the Postmasters of the Senate and House of Representatives, and the Door-keeper of the House of Representatives, shall, severally, make out and return to Congress, on the first day of each regular session, and at the expiration of their respective terms of service, a full and complete account of all property belonging to the United States in their possession, respectively, at the time of returning such account.

SEC. 73. The Door-keepers of the Senate and House of Representatives shall perform the usual services pertaining to their respective offices during the session of Congress, and shall in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session.

SEC. 74. *[The mileage or traveling allowance to the officer or other person executing any precept or summons of either House of Congress, shall not exceed ten cents for each mile necessarily and actually traveled in the execution thereof.]*

16 June, 1874, c. 285, v. 18, p. 72. Repealed by St. 18 Feb., 1875, c. 80,

SEC. 75. The Joint Committee on Public Printing shall appoint a competent person who shall edit such portion of the documents accompanying the annual reports of the Departments as they may deem suitable for popular distribution, and prepare an alphabetical index thereto.

SEC. 76. No payment shall be made from the contingent fund of either House of Congress, unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or the Committee on Accounts of the House of Representatives, respectively.

SEC. 77. A congressional directory shall be compiled at each session of Congress under the direction of the Joint Committee on Public Printing, and the first edition for each session shall be ready for distribution within one week after the commencement thereof.

SEC. 78. Until a contract for publishing the debates of Congress is made, such debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate.

SEC. 79. After the fourth day of March, eighteen hundred and seventy-five, *[no money shall be paid from the Treasury for]* the publication of the laws in newspapers *[shall cease.]*

20 June, 1874, c. 328, v. 18, p. 90. 20 June, 1874, c. 334, v. 18, p. 115.
18 Feb., 1875, c. 80, v. 18, p. 317.

CHAPTER SIX.

THE LIBRARY OF CONGRESS.

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|---|---|
| Sec. | Sec. |
| 80. Collections composing. | 91. Assistant librarians. |
| 81. Library to be in two departments. | 92. No maps to be taken out. |
| 82. Joint Committee on Library. | 93. Who may take out books. |
| 83. Incidental expenses of law library. | 94. Persons specially privileged to use Library. |
| 84. Purchasing of books for law library. | 95. Use and regulation of law library. |
| 85. Regulations for the Library. | 96. Copies of Statutes at Large. |
| 86. Duplicate, injured, or wasted books. | 97. Copies of journals and documents. |
| 87. Agents for exchange, &c., of documents. | 98. Deposit in Library of journals of Senate and House. |
| 88. Appointment of librarian. | 99. Smithsonian library. |
| 89. Librarian's bond. | 100. How to be kept and used. |
| 90. Librarian's salary. | |

SEC. 80. The Library of Congress, composed of the books, maps, and other publications which now remain in existence, from the collections heretofore united under the act of January twenty-six, eighteen hundred and two, chapter two; the resolution of October twenty-one, eighteen hundred and fourteen; the act of January thirty, eighteen hundred and fifteen, chapter twenty-seven; the act of June twenty-five, eighteen hundred and sixty-four, chapter one hundred and forty-seven, section one; the resolution of July twenty-five, eighteen hundred and sixty-six; the act of March two, eighteen hundred and sixty-seven, chapter one hundred and sixty-seven, section one; and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, shall be preserved in the Capitol in the rooms which were, on the fourth day of July, eighteen hundred and seventy-two, appropriated to its use, and in such others as may hereafter be assigned thereto.

SEC. 81. The Library of Congress shall be arranged in two departments, a general library and a law library.

SEC. 82. The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee of Congress upon the Library, to consist of three members of the Senate and three members of the House of Representatives.

SEC. 83. The incidental expenses of the law library shall be paid out of the appropriations for the Library of Congress.

SEC. 84. The Librarian shall make the purchases of books for the law library, under the direction of and pursuant to the catalogue furnished him by the Chief Justice of the Supreme Court.

SEC. 85. The Joint Committee upon the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof; and from time to time to alter, amend, or repeal the same; but such regulations as to the law library shall be subject to those imposed by the justices of the Supreme Court under section ninety-five. And until they impose new regulations or restrictions, the care and business of the Library shall continue to be regulated by such rules as may have been heretofore imposed by any lawful authority.

SEC. 86. The Joint Committee upon the Library may, at any time, exchange, or otherwise dispose of duplicate, injured, or wasted books of the Library, or documents, or any other matter in the Library not deemed proper to it, as they deem best.

Collections composing.

26 Jan., 1802, c. 2, v. 2, p. 128.
21 Oct., 1814, Res. 3, v. 3, p. 246.
30 Jan., 1815, c. 27, v. 3, p. 195.
25 June, 1864, c. 147, s. 1, v. 13, p. 148.
25 July, 1866, Res. 77, v. 14, p. 365.
2 Mar., 1867, c. 167, s. 1, v. 14, p. 464.

Library to be in two departments.

14 July, 1832, c. 221, s. 1, v. 4, p. 579.

Joint Committee on Library.

24 April, 1800, c. 37, s. 5, v. 2, p. 56.
26 Jan., 1802, c. 2, s. 6, v. 2, p. 129.

Incidental expenses of law library.

14 July, 1832, c. 221, s. 3, v. 4, p. 579.

Purchase of books for law library.

14 July, 1832, c. 221, s. 4, v. 4, p. 579.

Regulations for the Library.

26 Jan., 1802, c. 2, s. 2, v. 2, p. 129.

Duplicate, injured, or wasted books.

26 June, 1848, c. 73, s. 1, v. 9, p. 240.

Agents for exchange, &c., of documents.

26 June, 1848, c. 73, s. 1, v. 9, p. 240.

Appointment of Librarian.

26 Jan., 1802, c. 2, s. 3, v. 2, p. 129.

Librarian's bond.

26 Jan., 1802, c. 2, s. 3, v. 2, p. 129.

Librarian's salary.

8 July, 1870, c. 230, Assistant librarians.

3 Mar., 1871, c. 136, v. 16, p. 584.

20 Jan., 1874, c. 11, v. 18, p. 4.

No maps to be taken out.

26 Jan., 1802, c. 2, s. 4, v. 2, p. 129.

Who may take out books.

26 Jan. 1802, c. 2, s. 4, v. 2, p. 129.

3 Mar., 1875, c. 179, v. 18, p. 512.

Persons specially privileged to use Library.

1 May, 1810, c. 50, v. 2, p. 612.

2 Mar., 1812, Res. 1, v. 2, p. 786.

16 April, 1816, c. 46, s. 3, v. 3, p. 284.

13 Jan., 1830, Res. 2, v. 4, p. 429.

11 Aug., 1848, Res. 26, v. 9, p. 340.

3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

5 April, 1866, c. 25, s. 3, v. 14, p. 13.

3 Mar., 1875, c. 179, v. 18, p. 512.

SEC. 87. The Joint Committee upon the Library may from time to time appoint such agents as they deem requisite, to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.

SEC. 88. The President, solely, shall appoint from time to time a Librarian to take charge of the Library of Congress.

SEC. 89. The Librarian of Congress shall, before entering upon the duties of his office, give a bond, payable to the United States, in such a sum and with such security as the Joint Committee upon the Library may deem sufficient, for the safe-keeping of the books, maps, and furniture confided to his care, and for the faithful discharge of his trust according to the regulations established for the government of the Library. Such bond shall be deposited in the office of the Secretary of the Senate.

SEC. 90. The Librarian of Congress is entitled to a salary of four thousand dollars a year.

s. 85, v. 16, p. 212.

SEC. 91. The Librarian of Congress is authorized to employ from time to time the following assistants in the business of the Library:*

Three assistant librarians, at a salary of two thousand eight hundred and seventy-five dollars a year each.

Two assistants, at a salary of two thousand and seventy dollars a year each.

One assistant, at a salary of one thousand eight hundred and forty dollars a year.

Two assistants, at a salary of one thousand six hundred and fifty-six dollars a year each.

Three assistants, at a salary of one thousand three hundred and eighty dollars a year each.

Two assistants, at a salary of one thousand one hundred and fifty dollars a year each.

One assistant, at a salary of eleven hundred and four dollars a year.

SEC. 92. No map shall be taken out of the Library by any person.

s. 4, v. 2, p. 129.

SEC. 93. No book shall be taken from the Library except by the President, the Vice-President, Senators, Representatives, and Delegates in Congress, and the persons enumerated in section ninety-four, or otherwise authorized by law.

v. 18, p. 512.

SEC. 94. The Joint Committee on the Library is authorized to grant the privilege of using and drawing books from the Library, in the same manner and subject to the same regulations as members of Congress, to any of the following persons:

First. Heads of Departments.

Second. The Chief Justice and associate justices, the reporter, and clerk of the Supreme Court.

Third. Members of the diplomatic corps.

Fourth. The judges and clerk of the Court of Claims.

Fifth. The Solicitor-General, and Assistant Attorneys-General.

Sixth. The Secretary of the Senate.

Seventh. The Clerk of the House of Representatives.

Eighth. The Chaplains of the two Houses of Congress.

Ninth. The Solicitor of the Treasury.

Tenth. The financial agent of the Joint Committee on the Library.

Eleventh. The Smithsonian Institution, through its Secretary.

Twelfth. Any person, when in the District of Columbia, who has been President.

* See schedule of salaries, Appendix.

SEC. 95. The justices of the Supreme Court shall have free access to the law library; and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulations shall not restrict any person authorized to take books from the Library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general Library.

Use and regulation of law library.

14 July, 1832, c. 221, s. 2, v. 4, p. 579.

SEC. 96. Ten of the copies of the Statutes at Large, published by Little, Brown & Co., which were deposited in the Library prior to February fifth, eighteen hundred and fifty-nine, shall be retained by the Librarian for the use of the justices of the Supreme Court during the terms of court.

Copies of Statutes at Large.

5 Feb., 1859, c. 22, s. 11, v. 11, p. 381.

SEC. 97. Two copies of the journals and documents, and of each book printed by either House of Congress, well bound in calf, shall be deposited in the Library, and must not be taken therefrom.

Copies of journals and documents.

28 Jan., 1857, Res. No. 5, s. 5, v. 11, p. 253.

SEC. 98. Twenty-five copies of the public journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of Government, to be delivered to members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the Librarian, and giving their responsible receipts for the same, in like manner as for other books.

Deposit in Library of journals of Senate and House.

27 Dec., 1813, Res. 1, v. 3, p. 140.
20 July, 1840, Res. 5, v. 5, p. 409.

SEC. 99. The library collected by the Smithsonian Institution under the provisions of the act of August ten, eighteen hundred and forty-six, chapter twenty-five, and removed from the building of that Institution, with the consent of the Regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

Smithsonian library.

5 April, 1866, c. 25, s. 1, v. 14, p. 13.

SEC. 100. The Smithsonian Institution shall have the use thereof in like manner as before its removal, and the public shall have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian library shall not be removed except on re-imbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of the Institution.

How to be kept and used.

5 April, 1866, c. 25, s. 2, v. 14, p. 13.

CHAPTER SEVEN.

CONGRESSIONAL INVESTIGATIONS.

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|--|---|
| Sec. | Sec. |
| 101. Oaths to witnesses, by whom administered. | 103. No privilege to refuse to answer criminal questions. |
| 102. Refusal of witnesses to testify. | 104. Proceedings against witnesses failing to testify. |

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Oaths to witnesses, by whom administered.

3 May, 1798, c. 36, s. 1, v. 1, p. 554. 8 Feb., 1817, c. 10, v. 3, p. 345.

SEC. 102. Every person who having been summoned as a witness by the authority of either House of Congress, to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the ques-

Refusal of witness to testify.

24 Jan., 1857, c. 19, s. 1, v. 11, p. 155.

tion under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.

No privilege to refuse to answer criminal questions.

24 Jan., 1862, c. 11, v. 12, p. 333.

Proceedings against witnesses failing to testify.

24 Jan., 1857, c. 19, s. 3, v. 11, p. 156.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. [See § 850.]

SEC. 104. Whenever a witness summoned as mentioned in section one hundred and two fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

CHAPTER EIGHT.

CONTESTED ELECTIONS.

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- 105. Notice of intention to contest.
- 106. Time for answer.
- 107. Time for taking testimony.
- 108. Notice of deposition; service.
- 109. Testimony taken at several places at same time.
- 110. Who may issue subpoenas.
- 111. What the subpoena shall contain.
- 112. When justices of the peace may act.
- 113. Depositions by consent.
- 114. Service of subpoena.
- 115. Witnesses need not attend out of the county.
- 116. Penalty for failing to attend or testify.
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- 118. Party notified may select an officer.

Sec.

- 119. Depositions taken by party or agent.
- 120. Examination of witnesses.
- 121. Testimony, to what confined.
- 122. Testimony, how written out and attested.
- 123. Production of papers.
- 124. Adjournments.
- 125. Notice, &c., attached to depositions.
- 126. Copy of notice and answer to accompany testimony.
- 127. How testimony to be sent to Clerk of House; how opened.
- 128. Fees of witnesses.
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Notice of intention to contest.

19 Feb., 1851, c. 11, s. 1, v. 9, p. 568.

Time for answer.

19 Feb., 1851, c. 11, s. 2, v. 9, p. 568.

Time for taking testimony.

10 Jan., 1873, c. 24, s. 1, v. 17, p. 408.
Construed by St. 2 Mar., 1875, c. 119, v. 18, p. 338.

SEC. 105. Whenever any person intends to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice, in writing, to the member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.

SEC. 106. Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant.

SEC. 107. In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.

The statute of 1875, c. 119, v. 18, p. 338, provides that this section shall be so construed as to require that in all cases of contested election, the testimony shall be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

SEC. 108. The party desiring to take a deposition under the provisions of this chapter shall give the opposite party notice, in writing, of the time and place, when and where the same will be taken, of the name of the witnesses to be examined and their places of residence, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service cannot be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. Testimony in rebuttal may be taken on five days' notice.

SEC. 109. Testimony in contested-election cases may be taken at two or more places at the same time.

Notice of depositions; service.

10 Jan., 1873, c. 24, ss. 1, 3, v. 17, p. 408.

19 Feb., 1851, c. 11, s. 6, v. 9, p. 569.

Testimony taken at several places at same time.

10 Jan., 1873, c. 24, s. 1, v. 17, p. 408.

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpoena to either of the following officers who may reside within the congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

SEC. 111. The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpoena, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpoena, in order to be examined respecting the contested election.

SEC. 112. In case none of the officers mentioned in section one hundred and ten are residing in the congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two justices of the peace residing within the district; and they may receive such application, and jointly proceed upon it.

SEC. 113. It shall be competent for the parties, their agents or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; also, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law, or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions.

SEC. 114. Each witness shall be duly served with a subpoena, by a copy thereof delivered to him or left at his usual place of abode, at least five days before the day on which the attendance of the witness is required.

SEC. 115. No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpoena.

Who may issue subpoenas.

19 Feb., 1851, c. 11, s. 3, v. 9, p. 568.

23 Jan., 1860, c. 15, v. 15, p. 267.

What the subpoena shall contain.

19 Feb., 1851, c. 11, s. 3, v. 9, p. 568.

When justices of the peace may act.

19 Feb., 1851, c. 11, s. 10, v. 9, p. 570.

Depositions by consent.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

Service of subpoena.

19 Feb., 1851, c. 11, s. 4, v. 9, p. 569.

Witnesses need not attend out of the county.

19 Feb., 1851, c. 11, s. 4, v. 9, p. 569.

SEC. 116. Any person who, having been summoned in the manner above directed, refuses or neglects to attend and testify, unless prevented by sickness or unavoidable necessity, shall forfeit the sum of twenty dollars, to be recovered, with costs of suit, by the party at whose instance the subpoena was issued, and for his use, by an action of debt, to any

Penalty for failure to attend or testify.

19 Feb., 1851, c. 11, s. 5, v. 9, p. 569.

court of the United States; and shall also be liable to an indictment for a misdemeanor, and punishment by fine and imprisonment.

Witnesses out-
side of district.

10 Jan., 1873, c.
24, s. 2, v. 17, p.
408.

Party notified
may select an offi-
cer.

10 Jan., 1873, c.
24, s. 3, v. 17, p. 408.

Depositions taken
by party or agent.

10 Jan., 1873, c.

Examination of
witnesses.

19 Feb., 1851, c.
11, s. 7, v. 9, p. 569.

Testimony, to
what confined.

19 Feb., 1851, c.
11, s. 9, v. 9, p. 569.

Testimony, how
written out and
attested.

19 Feb., 1851, c.
11, s. 7, v. 9, p. 569.

Production of
papers.

19 Feb., 1851, c.
11, s. 8, v. 9, p. 569.

Adjournments.

10 Jan., 1873, c.
24, s. 3, v. 17, p. 408.

Notice, &c., at-
tached to deposi-
tions.

19 Feb., 1851, c.

Copy of notice and
answer to accom-
pany testimony.

19 Feb., 1851, c.

How testimony
to be sent to Clerk
of House; how
opened.

10 Jan., 1873, c.
24, s. 4, v. 17, p. 409.

SEC. 117. Depositions of witnesses residing outside of the district and beyond the reach of a subpoena may be taken before any officer authorized by law to take testimony in contested-election cases in the district in which the witness to be examined may reside.

SEC. 118. The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone.

SEC. 119. At the taking of any deposition under this chapter, either party may appear and act in person, or by agent or attorney

24, s. 3, v. 17, p. 408.

SEC. 120. All witnesses who attend in obedience to a subpoena, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this chapter, shall then and there be examined on oath by the officer who issued the subpoena, or, in case of his absence, by any other officer who is authorized to issue such subpoena, or by the officer before whom the depositions are to be taken by written consent, or before whom the depositions of witnesses residing outside of the district are to be taken, as the case may be, touching all such matters respecting the election about to be contested as shall be proposed by either of the parties or their agents.

SEC. 121. The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections one hundred and five and one hundred and six.

SEC. 122. The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses respectively.

SEC. 123. The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section one hundred and sixteen. All papers thus produced, and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

SEC. 124. The taking of the testimony may, if so stated in the notice, be adjourned from day to day.

SEC. 125. The notice to take depositions, with the proof or acknowledgment of the service thereof, and a copy of the subpoena, where any has been served, shall be attached to the depositions when completed.

11, s. 7, v. 9, p. 569. 10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

SEC. 126. A copy of the notice of contest, and of the answer of the returned member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives.

11, s. 9, v. 9, p. 569.

SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail, addressed to the Clerk of the House of Representatives of the United States, Washington,

D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement. Upon the written request of either party the Clerk of the House of Representatives shall open any deposition at any time after he shall have received the same, and he may furnish either party with a copy thereof.

So much of this section as requires the Clerk of the House of Representatives to open any deposition, and authorizes him to furnish a copy to either party, was repealed by c. 119, st. 1875, vol. 18, p. 338.

SEC. 128. Every witness attending by virtue of any subpoena herein directed to be issued shall be entitled to receive the sum of seventy-five cents for each day's attendance, and the further sum of five cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned.

Fees of witnesses.

19 Feb., 1851, c. 11, s. 11, v. 9, p. 570.

SEC. 129. Each judge, justice, chancellor, chief executive officer of a town or city, register in bankruptcy, notary public, and justice of the peace, who shall be necessarily employed pursuant to the provisions of this chapter, and all sheriffs, constables, or other officers who may be employed to serve any subpoena or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the State wherein such service may be rendered.

Fees of officers.

19 Feb., 1851, c. 11, s. 11, v. 9, p. 570.

SEC. 130. No payment shall be made by the House of Representatives, out of its contingent fund or otherwise, to either party to a contested-election case for expenses incurred in prosecuting or defending the same.

Expenses of contest.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 485, (490.)