

CANNON'S PRECEDENTS
OF THE
HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES

INCLUDING REFERENCES TO PROVISIONS
OF THE CONSTITUTION, THE LAWS, AND DECISIONS
OF THE UNITED STATES SENATE

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Chapter CXC.¹

PROCEDURE OF THE ELECTORAL COUNT.

1. Statutes governing the casting and transmittal of electoral votes. 438-441.

438. 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.

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.

The act approved May 29, 1928,² provides:

That the electors of President and Vice President of each State shall meet and give their votes on the first Wednesday in January next following their appointment at such place in each State as the legislature of such State shall direct.

439. 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.

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.

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.

The act approved May 29, 1928, provides:

That it shall be the duty of the executives of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day

¹ Supplementary to Chapter LVIII.

² 45 Stat. 1., p. 945.

on which they are required by section 1 of this act to meet, six duplicates of original of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Secretary of State of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Secretary of State shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department.

440. The statutes provide for transmitting the certificates of the action of the electors in each State to the President of the Senate.—The act approved May 29, 1928, provides:

That the electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

441. 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.

The act of May 29, 1928, provides:

That the electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Secretary of State at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Secretary of State for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled.

SEC. 5. That when no certificate of vote and list mentioned in this Act from any State shall have been received by the President of the Senate or by the Secretary of State by the third Wednesday in the month of January after the meeting of the electors shall have been held, the President of the Senate, or, if he be absent from the seat of government, the Secretary of State shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

SEC. 6. That when no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday of the month of January, after the meeting of the electors shall have been held, the President of the Senate, or, if he be absent from the seat of government, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

Chapter CXCI.¹

THE ELECTORAL COUNTS, 1909 TO 1933.

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1. The counts in 1909, 1913, and 1917. Section 442.
 2. The count in 1921. Section 443.
 3. The count in 1925. Section 444.
 4. The count in 1929. Section 445.
 5. The count in 1933. Section 446.
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442. Proceedings relating to the electoral counts in 1909, 1913, and 1917.

The conduct of the electoral count is frequently a matter of perfunctory routine.

The proceedings on the occasion of the electoral count in 1909, 1913,² and 1917, were similar in form and procedure and were, in each instance, concluded without unusual incident. The concurrent resolutions providing for convening the two Houses in joint session for these years were almost identical and the proceedings were practically uniform with the exception of minor variations in phraseology employed by presiding officers and tellers.

In 1909³ the resolution reserving the galleries for the families of Members was used for the last time. The count for these years was a matter of such perfunctory routine that demand for admission to the galleries on these occasions was, in consequence, materially lessened. The reservation of seats in the galleries was continued, however, by direction of the Speaker, and special cards were issued as formerly.

Separate resolutions authorizing the appointment of tellers were last employed in 1917,⁴ the authorization being that year incorporated in the resolution providing for the joint session and continued in each succeeding resolution convening the two Houses for the electoral count.

443. The electoral count of 1921.

The two Houses by concurrent resolution provided for the meeting to count the electoral vote.

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.

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.

Form of the duplicate reports made by the tellers at the electoral count.

¹ Supplementary to Chapter LXXI.

² Third session, Sixty-second Congress, Record, p. 2469.

³ Second session, Sixtieth Congress, Record, p. 1531.

⁴ Second session Sixty-fourth Congress, Record, p. 2464, 3069.

On January 10, 1921,¹ the Senate agreed ² to the following resolution offered by Mr. William P. Dillingham, of Vermont:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 9th day of February, 1921, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the Vice President on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

On January 21,³ in the House, on motion of Mr. William E. Andrews, of Nebraska, by unanimous consent, the resolution was taken from the Speaker's table and agreed to without debate.

On January 22,⁴ the Vice President said: ⁵

The House of Representatives have concurred in Senate concurrent resolution 38, providing for a joint session of the two Houses for the purpose of canvassing the electoral votes for President and Vice President of the United States. The Chair appoints as tellers on the part of the Senate the Senator from Massachusetts, Mr. Lodge, and the Senator from Alabama, Mr. Underwood.

On January 27,⁶ the Speaker said:

The Chair will appoint as tellers on the part of the House for the counting of the electoral vote Mr. Lampert and Mr. Rucker.

On February 9,⁷ in the House,⁸ seats were provided for the Senators at the right of the Presiding Officer; and then at 1 o'clock the Doorkeeper announced the Vice President and the Senate of the United States.

¹ Third session, Sixty-sixth Congress, Record, p. 1184.

² The resolution providing for the electoral count in 1909 was in the Senate referred to the Committee on Privileges and Elections, and in the House to the Committee on Election of President, Vice President and Representatives in Congress, and by each committee reported to its respective House before consideration. The resolutions providing for the electoral count in 1913 and 1917, however, as in 1921, were in the Senate offered and agreed to and in the House taken from the Speaker's table and agreed to, without reference to committees.

³ Record, p. 1829.

⁴ Record, p. 1855.

⁵ In this instance the resolution providing for the electoral count authorized the appointment of tellers by the presiding officers of the two Houses. Previously a separate concurrent resolution delegated to the Vice President and the Speaker, respectively, the appointment of tellers authorized by in the original resolution.

⁶ Record, p. 2150.

⁷ Record, p. 2868.

⁸ On this occasion reservation of certain sections of the galleries and restriction of admission thereto were also by order of the Speaker. Of former occasions the House provided by resolution for such regulations during the electoral count.

The Senate entered the Hall, preceded by their Sergeant-at-Arms, and headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The Vice President said:

Gentlemen of the convention, the two Houses of Congress, pursuant to the requirements of the Constitution and the laws of the United States, are now in joint convention for the purpose of opening the certificates and ascertaining and counting the votes of the several States for President and Vice President. Under well-established precedents, unless demand shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes of the States.

Twelve years ago, upon an occasion similar to this, the then Vice President of the United States, my warm personal friend, Charles Warren Fairbanks, of Indiana, suppressed any manifestation of approval or disapproval upon the part of the galleries or the members of the joint convention, announcing at that time what seemed to me to be a proper statement, that this is a solemn and important occasion in the affairs of the people of America, and it should be discharged with dignity and in silence.

The tellers will please take their places at the desk.

Senators Lodge and Underwood, the tellers appointed on the part of the Senate, and Representatives Lampert and Rucker, the tellers appointed on the part of the House, took their places at the Clerk's desk.

The Vice President announced:

The tellers will count and make a list of the votes of the State of Alabama.

Mr. Lodge (one of the tellers) said:

Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that James M. Cox, of Ohio, received 12 votes for President and Franklin D. Roosevelt, of New York, 12 votes for Vice President.

The Vice President said:

If there be no objection, the reading of the formal portions of the certificates will be dispensed with, and the Chair will open in alphabetical order the certificates showing the electoral votes of each State, and the tellers will count and make announcement of the results in the several States.

There was no objection and the tellers proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in their alphabetical order.

The Vice President said:

Gentlemen of the convention, the certificates of all of the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the President of the Senate.

The tellers delivered to the Vice President the following report:

The undersigned, Henry Cabot Lodge and Oscar W. Underwood, tellers on the part of the Senate, and Florian Lampert and William W. Rucker, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1921:

Electoral votes of each State.	For President.	For President.		For Vice President.	
		Warren G. Harding, of Ohio.	James M. Cox, of Ohio.	Calvin Coolidge, of Massa- chusetts.	Franklin D. Roose- velt, of New York.
12	Alabama.....		12		12
3	Arizona.....	3		3	
9	Arkansas.....		9		9
13	California.....	13		13	
6	Colorado.....	6		6	
7	Connecticut.....	7		7	
3	Delaware.....	3		3	
6	Florida.....		6		6
14	Georgia.....		14		14
4	Idaho.....	4		4	
29	Illinois.....	29		29	
15	Indiana.....	15		15	
13	Iowa.....	13		13	
10	Kansas.....	10		10	
13	Kentucky.....		13		13
10	Louisiana.....		10		10
6	Maine.....	6		6	
8	Maryland.....	8		8	
18	Massachusetts.....	18		18	
15	Michigan.....	15		15	
12	Minnesota.....	12		12	
10	Mississippi.....		10		10
18	Missouri.....	18		18	
4	Montana.....	4		4	
8	Nebraska.....	8		8	
3	Nevada.....	3		3	
4	New Hampshire.....	4		4	
14	New Jersey.....	14		14	
3	New Mexico.....	3		3	
45	New York.....	45		45	
12	North Carolina.....		12		12
5	North Dakota.....	5		5	
24	Ohio.....	24		24	
10	Oklahoma.....	10		10	
5	Oregon.....	5		5	
38	Pennsylvania.....	38		38	
5	Rhode Island.....	5		5	
9	South Carolina.....		9		9
5	South Dakota.....	5		5	
12	Tennessee.....	12		12	
20	Texas.....		20		20
4	Utah.....	4		4	
4	Vermont.....	4		4	
12	Virginia.....		12		12
7	Washington.....	7		7	
8	West Virginia.....	8		8	
13	Wisconsin.....	13		13	
3	Wyoming.....	3		3	
531		404	127	404	127

HENRY CABOT LODGE,
OSCAR W. UNDERWOOD,
Tellers on the part of the Senate.

FLORIAN LAMPERT,
WILLIAM W. RUCKER,
Tellers on the part of the House of Representatives.

The Vice President said:

Gentlemen of the convention, the report of the state of the vote as delivered to the President of the Senate is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Warren G. Harding, of the State of Ohio, has received for President of the United States 404 votes;

James M. Cox, of the State of Ohio, has received 127 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Calvin Coolidge, of the State of Massachusetts, has received for Vice President of the United States 404 votes;

Franklin D. Roosevelt, of the State of New York, has received 127 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1921, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Gentlemen of the convention, the purpose for which this joint convention was called having been accomplished, as presiding officer I dissolve this joint convention, and the Senate will return to its Chamber.

Thereupon, the Senate retired from the Hall (at 1 o'clock and 37 minutes p. m.) when the Speaker resumed the chair, and the House was again called to order.

The Senate returned¹ to its Chamber at 1 o'clock and 40 minutes p. m., and the Vice President resumed the chair.

Mr. Lodge, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice President of the United States, said:

Mr. President, in accordance with law, and on behalf of the tellers of the electoral vote on the part of the Senate, I offer the report which I send to the desk, which I ask to be read and printed in the Journal.

The report which had been made and signed in duplicate was then read as previously submitted to the joint convention of the two Houses.

444. The electoral count of 1925.

Neither House recesses or adjourns for the electoral count.

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

On January 16, 1925,² the House, without debate or amendment, agreed to the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 11th day of February, 1925, at 1 o'clock postmeridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and

¹ Record, p. 2837.

² Second session, Sixty-eighth Congress, Journal, p. 126; Record, p. 2004.

the President pro tempore of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President pro tempore on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

On February 9¹ (legislative day of February 3) the President pro tempore of the Senate announced:

Pursuant to law the Chair appoints the Senator from Missouri, Mr. Spencer, and the Senator from Utah, Mr. King, to act as tellers at the joint session of the Houses of Congress on the 11th instant to open and count the vote for President and Vice President.

On February 10² the Speaker said:

The Chair appoints as tellers to count the electoral votes to-morrow Mr. White of Kansas and Mr. Jeffers.

On February 11, upon announcement by the Speaker,³ the first three rows of seats in the body of the Hall of the House were reserved for the Members of the Senate.

At 1 o'clock the Doorkeeper announced the President pro tempore and the Senate of the United States, and the Senate, preceded by their Sergeant-at-Arms and headed by their President pro tempore and the Secretary of the Senate, entered the Hall, the Members and officers of the House rising to receive them.

The President pro tempore of the Senate assumed the chair as Presiding Officer (the Speaker of the House occupying a place on his left), and seated the joint convention with the gavel.

The Presiding Officer said:

Gentlemen of the Congress, the two Houses of Congress, pursuant to the requirements of the Constitution and the laws of the United States, are now in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. Under well-settled precedents the reading of the formal portion of the certificates which have been presented to the President of the Senate will be dispensed with unless demand therefor shall be made. After it is ascertained that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The Chair is but repeating an observation made years ago by a distinguished Vice President of the United States, and renewed since that time until it has become traditionary for these cases,

¹ Record, p. 3279.

² Record, p. 3451.

³ Reservation of the galleries for the occasion of the electoral count is also by direction of the Speaker instead of by resolution of the House as formerly.

when it suggests that there should be no manifestation of approval or disapproval on the part of the galleries or on the part of the Members of the joint session as the counting proceeds, inasmuch, as that distinguished Vice President said, as we are engaged in a solemn and important duty imposed upon us by the Constitution of the United States, and that it should be discharged with dignity and in silence.

The tellers heretofore appointed will take their places at the desk.

The tellers previously appointed took places at the Clerk's desk, those from the Senate on the right and those from the House on the left, and the Presiding Officer continued:

The Chair hands to the tellers the certificate of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

The certificate was handed by the Presiding Officer to the teller on his extreme right and passed to and examined by each of the tellers in turn. The teller on the extreme left, Mr. Lamar Jeffers, of Alabama, having received and examined the certificate, said:

Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that John W. Davis, of the State of West Virginia, received 12 votes for President, and Charles W. Bryan, of the State of Nebraska, received 12 votes for Vice President.

The Presiding Officer submitted:

If there be no objection the Chair will omit in the further procedure the formal statement just made, and will open in alphabetical order the certificates showing the votes of the electors in each State, and the tellers will read, count, and announce the result in each State as was done with respect to the State of Alabama.

There was no objection, and the Presiding Officer proceeded to open and pass to the tellers the certificates of the several States in their alphabetical order, and the vote of each State following that of Alabama was read, counted, and announced in like manner.

At the conclusion of the count the Presiding Officer said:

Gentlemen of the Congress, the certificates of all the States have now been opened and read and the tellers will make final ascertainment of the result and deliver the same to the President pro tempore of the Senate.

Thereupon the tellers delivered to the Presiding Officer the following statement of the result:

The undersigned, Selden P. Spencer and William H. King, tellers on the part of the Senate, and Hays B. White and Lamar Jeffers, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1925:

Electoral votes of each State.	States.	For President.			For Vice President.		
		Calvin Coolidge, of Massa- chusetts.	John W. Davis, of West Virginia.	Robert M. La Follette, of Wisconsin.	Charles G. Dawes, of Illinois.	Charles W. Bryan, of Nebraska.	Burton K. Wheeler, of Montana.
12	Alabama.....		12			12	
3	Arizona.....	3			3		
9	Arkansas.....		9			9	
13	California.....	13			13		
6	Colorado.....	6			6		
7	Connecticut.....	7			7		
3	Delaware.....	3			3		
6	Florida.....		6			6	
14	Georgia.....		14			14	
4	Idaho.....	4			4		
29	Illinois.....	29			29		
15	Indiana.....	15			15		
13	Iowa.....	13			13		
10	Kansas.....	10			10		
13	Kentucky.....	13			13		
10	Louisiana.....		10			10	
6	Maine.....	6			6		
8	Maryland.....	8			8		
18	Massachusetts.....	18			18		
15	Michigan.....	15			15		
12	Minnesota.....	12			12		
10	Mississippi.....		10			10	
18	Missouri.....	18			18		
4	Montana.....	4			4		
8	Nebraska.....	8			8		
3	Nevada.....	3			3		
4	New Hampshire.....	4			4		
14	New Jersey.....	14			14		
3	New Mexico.....	3			3		
45	New York.....	45			45		
12	North Carolina.....		12			12	
5	North Dakota.....	5			5		
24	Ohio.....	24			24		
10	Oklahoma.....		10			10	
5	Oregon.....	5			5		
38	Pennsylvania.....	38			38		
5	Rhode Island.....	5			5		
9	South Carolina.....		9			9	
5	South Dakota.....	5			5		
12	Tennessee.....		12			12	
20	Texas.....		20			20	
4	Utah.....	4			4		
4	Vermont.....	4			4		
12	Virginia.....		12			12	
7	Washington.....	7			7		
8	West Virginia.....	8			8		
13	Wisconsin.....			13			13
3	Wyoming.....	3			3		
531		382	136	13	382	136	13

The Presiding Officer announced:

Gentlemen of the Congress, the report of the tellers of the votes cast by the electors in all the States as delivered to the President pro tempore of the Senate is as follows:

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Calvin Coolidge, of the State of Massachusetts, has received for President of the United States 382 votes.

John W. Davis, of the State of West Virginia, has received 136 votes.

Robert M. La Follette, of the State of Wisconsin, has received 13 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Charles G. Dawes, of the State of Illinois, has received for Vice President of the United States 382 votes.

Charles W. Bryan, of the State of Nebraska, has received 136 votes.

Burton K. Wheeler, of the State of Montana, has received 13 votes.

The announcement of the state of the vote by the President pro tempore of the Senate, just made, is, under the Constitution and laws of the United States, deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1925, and will be entered, together with a list of the votes so cast and ascertained, on the Journals of the Senate and the House of Representatives.

Gentlemen of the joint session, the purpose of this meeting having been accomplished, the joint session is now dissolved and the Senators will return to the Senate Chamber.

And then, at 1 o'clock and 45 minutes p. m. the Senate retired from the Hall and the Speaker resumed the chair.

The Senate having returned to its chamber¹, Mr. Selden P. Spencer, of Missouri, one of the tellers appointed on behalf of the Senate, said:

Mr. President, the tellers who were appointed on behalf of the Senate pursuant to the provisions of law, and in accordance with the concurrent resolution of the two Houses, to ascertain the result of the election for President and Vice President, performed that duty in the joint session of the two Houses and present the following report.

The report, having been made and signed in duplicate, appears in the Journal of each of the two Houses.

445. Proceedings of the electoral count of 1929.

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

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.

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.

¹ Neither House adjourns or recesses for the electoral count.

On January 5, 1929,¹ the Senate agreed to the concurrent resolution (S. Con. 28) reported from the Committee on Privileges and Elections by Mr. Samuel M. Shortridge, of California, providing in the usual form for a joint session of the two Houses on February 13, 1929, to count the electoral vote.

The resolution was received in the House on January 17, and the following day² was by unanimous consent taken from the Speaker's table and agreed to without reference to committee and without debate.

Thereupon Mr. John Q. Tilson, of Connecticut, offered the following resolution which was considered by unanimous consent and agreed to:

Resolved, That on Wednesday, February 13, 1929, it shall be in order to move that the House take a recess, subject to the call of the Speaker, for the purpose of counting the electoral vote, notwithstanding the provisions of clause 7 of Rule XXIV.

On February 5,³ the Speaker announced:

Under authority of Senate Concurrent Resolution 28, the Chair appoints as tellers on the part of the House to count the electoral vote on February 13, 1929, the gentleman from Massachusetts, Mr. Gifford, and the gentleman from Alabama, Mr. Jeffers.

And on February 8,⁴ the Senate transmitted to the House a message announcing the appointment of Mr. Shortridge and Mr. William H. King, of Utah as tellers on the part of the Senate.

On February 9,⁵ the Speaker laid before the House the communication from the Secretary of State as follows:

DEPARTMENT OF STATE,
Washington, February 5, 1929.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: According to the provisions of section 2 of the act approved May 29, 1928, the Secretary of State of the United States shall receive from each State two certificates relating to the presidential election. One certificate is that of the final ascertainment of electors of President and Vice President. The other certificate is that of the electors themselves and the law provides that to that certificate there shall be attached a copy of the certificate of the final ascertainment of electors of President and Vice President.

Your attention is called to the fact that the State of Mississippi, although it has sent in the second certificate, together with a copy of the first certificate properly certified by the governor, has not transmitted a separate certificate of the final ascertainment of electors for President and Vice President as provided by the act.

For your information there is inclosed a photostat copy of the certificate of final ascertainment of President and Vice President which was appended to the certificate of the electors as described above. It may be added that the department, under date of January 22, 1929, called the attention of the Governor of Mississippi to the fact that the certificate of final ascertainment had not been received by the department, but no reply has yet been received to this communication.

I have the honor to be, sir, your obedient servant,

FRANK B. KELLOGG.

¹ Second session Seventieth Congress, Record, p. 1192.

² Record, p. 1914.

³ Record, p. 2864.

⁴ Record, p. 3083.

⁵ Record, p. 3170.

Subsequent to the electoral count, on February 16,¹ the Vice President laid before the Senate a communication from the Secretary of State, dated February 12, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors appointed in the State of Mississippi which was requested to be substituted for the certificate transmitted on January 18, which with the accompanying papers was ordered to lie on the table.

On February 13,² it being calendar Wednesday, the House recessed in accordance with the resolution previously agreed upon, and was called to order by the Speaker at 12 o'clock and 58 minutes p. m.

At 1 o'clock the Doorkeeper announced the Vice President and the Senate of the United States.³ The House rose to receive them and the two houses and their officials were seated as required by law.

The Vice President⁴ said:

Mr. Speaker and gentlemen of the Congress, the Senate and House of Representatives, pursuant to the requirements of the Constitution and laws of the United States have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. Under well-settled precedents the reading of the formal portion of the certificates will be dispensed with unless demand therefore shall be made. After it is ascertained that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

In accordance with precedents, the Chair suggests that there should be no manifestation of approval or disapproval on the part of the galleries or on the part of the members of the joint session as the counting proceeds.

The tellers heretofore appointed will take their places at the desk.

The tellers took their places at the desk and the Vice President continued.

The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. Jeffers (one of the tellers) responded:

Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Alfred E. Smith, of the State of New York, received 12 votes for President, and Joseph T. Robinson, of the State of Arkansas, received 12 votes for Vice President.

The Vice President said:

If there be no objection, the Chair will omit in the further procedure the formal statement just made, and will open in alphabetical order the certificates showing the votes of the electors in each State, and the tellers will read, count, and announce the result in each State as was done with respect to the State of Alabama.

¹ Record, p. 3560.

² Record, p. 3396.

³ Mr. Charles Curtis, of Kansas, and Mr. Joseph T. Robinson, of Arkansas, respectively candidates for the office of Vice President, declined to attend the joint session and remained in the Senate Chamber during the electoral count.

⁴ Charles G. Dawes, of Illinois, Vice President.

The tellers having likewise read, counted, and announced the electoral vote of the remaining States in alphabetical order, delivered to the Vice President the following statement of the result:

The undersigned, Samuel M. Shortridge and William H. King, tellers on the part of the Senate, and Charles L. Gifford and Lamar Jeffers, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1929:

Electoral votes of each State.	States.	For President.		For Vice President.	
		Herbert Hoover, of Cali- fornia.	Alfred E. Smith, of New York.	Charles Curtis, of Kan- sas.	Joseph T. Robin- son, of Arkansas.
12	Alabama.....		12		12
3	Arizona.....	3		3	
9	Arkansas.....		9		9
13	California.....	13		13	
6	Colorado.....	6		6	
7	Connecticut.....	7		7	
3	Delaware.....	3		3	
6	Florida.....	6		6	
14	Georgia.....		14		14
4	Idaho.....	4		4	
29	Illinois.....	29		29	
15	Indiana.....	15		15	
13	Iowa.....	13		13	
10	Kansas.....	10		10	
13	Kentucky.....	13		13	
10	Louisiana.....		10		10
6	Maine.....	6		6	
8	Maryland.....	8		8	
18	Massachusetts.....		18		18
15	Michigan.....	15		15	
12	Minnesota.....	12		12	
10	Mississippi.....		10		10
18	Missouri.....	18		18	
4	Montana.....	4		4	
8	Nebraska.....	8		8	
3	Nevada.....	3		3	
4	New Hampshire.....	4		4	
14	New Jersey.....	14		14	
3	New Mexico.....	3		3	
45	New York.....	45		45	
12	North Carolina.....	12		12	
5	North Dakota.....	5		5	
24	Ohio.....	24		24	
10	Oklahoma.....	10		10	
5	Oregon.....	5		5	
38	Pennsylvania.....	38		38	
5	Rhode Island.....		5		5
9	South Carolina.....		9		9
5	South Dakota.....	5		5	
12	Tennessee.....	12		12	
20	Texas.....	20		20	
4	Utah.....	4		4	

Electoral votes of each State.	States.	For President.		For Vice President.	
		Herbert Hoover, of Cali- fornia.	Alfred E. Smith, of New York.	Charles Curtis, of Kan- sas.	Joseph T. Robin- son, of Arkansas.
4	Vermont.....	4	-----	4	-----
12	Virginia.....	12	-----	12	-----
7	Washington.....	7	-----	7	-----
8	West Virginia.....	8	-----	8	-----
13	Wisconsin.....	13	-----	13	-----
3	Wyoming.....	3	-----	3	-----
531	-----	444	87	444	87

SAMUEL M. SHORTRIDGE,

WILLIAM H. KING,

Tellers on the part of the Senate.

CHARLES L. GIFFORD,

LAMAR JEFFERS,

Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Herbert Hoover, of the State of California, has received for President of the United States 444 votes; Alfred E. Smith, of the State of New York, has received 87 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Charles Curtis, of the State of Kansas, has received for Vice President of the United States 444 votes; Joseph T. Robinson, of the State of Arkansas, has received 87 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1929, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The Vice President announced the result of the vote and concluded:

Gentlemen of the joint session, the purpose of this meeting having been accomplished, the joint session is now dissolved, and the Senators will return to the Senate Chamber.

Thereupon, at 1 o'clock and 32 minutes p. m. the Senate retired from the Hall and Speaker resumed the chair.

The Senate having returned to the Senate Chamber (at 1 o'clock and 37 minutes p. m.) the Vice President called the Senate to order and recognized Mr. Shortridge who read to the Senate a duplicate report of the count of the electoral vote previously announced in the House.

446. The electoral count of 1933.

Instance in which a teller resigned and suggested the appointment of a successor.

The Vice President elect, as Speaker of the House, participated in the ceremonies.

The customary resolution ¹ providing for the counting of the electoral vote having been agreed to by both Houses, the Speaker, under the authority thereby conferred, announced on January 14, 1933,² the appointment of Mr. Patrick J. Carley, of New York, and Mr. Charles L. Gifford, of Massachusetts, as tellers on the part of the House.

On February 7,³ the Speaker laid before the House the following communication:

FEBRUARY 6, 1933.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,

Washington, D. C.

DEAR MR. SPEAKER: You have kindly designated me as chairman of the Committee on Election of President, Vice President, and Members of Congress to act as teller upon the occasion of the counting of the electoral vote on Wednesday, February 8.

I appreciate the honor, but find that I will be obliged to be away on Wednesday, so will appreciate it if you will designate the ranking Democratic member of the Committee, Mr. Jeffers, to act on that occasion.

Thanking you, I am, respectfully,

P. J. CARLEY.

The Speaker said:

Without objection, the resignation will be accepted.

There being no objection, the Speaker appointed Mr. Lamar Jeffers, of Alabama, to the place vacated by the resignation of Mr. Carley.

On February 8,⁴ in compliance with the concurrent resolution, and conforming to the usual ceremonies observed on the occasion of the counting of the electoral vote, the two Houses assembled in the Hall of the House of Representatives, with Mr. John N. Garner, of Texas, the Vice-President-designate, occupying the place assigned to him by law ⁵ as Speaker of the House.

The Vice President,⁶ as Presiding Officer, announced:

Mr. Speaker and gentlemen of the Congress, the Senate and House of Representatives, pursuant to the requirements of the Constitution and laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers heretofore appointed will take their places at the desk.

The count having been concluded, the tellers delivered to the Presiding Officer the following statement of the result:

The undersigned, Otis F. Glenn and William H. King, tellers on the part of the Senate; Lamar Jeffers and Charles L. Gifford, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1933.

¹ H. Con. Res. 44.

² Second session Seventy-second Congress, Record, p. 1832.

³ Record, p. 3546.

⁴ Record, p. 3639.

⁵ U. S. Code, title 3, sec. 20.

⁶ Charles Curtis, of Kansas, Vice President.

Electoral vote for President and Vice President.

Electoral votes of each State.	State.	For President.		For Vice President.	
		Franklin D. Roose- velt, of New York.	Herbert Hoover, of Cali- fornia.	John N. Garner, of Texas.	Charles Curtis, of Kansas.
11	Alabama.....	11		11	
3	Arizona.....	3		3	
9	Arkansas.....	9		9	
22	California.....	22		22	
6	Colorado.....	6		6	
8	Connecticut.....		8		8
3	Delaware.....		3		3
7	Florida.....	7		7	
12	Georgia.....	12		12	
4	Idaho.....	4		4	
29	Illinois.....	29		29	
14	Indiana.....	14		14	
11	Iowa.....	11		11	
9	Kansas.....	9		9	
11	Kentucky.....	11		11	
10	Louisiana.....	10		10	
5	Maine.....		5		5
8	Maryland.....	8		8	
17	Massachusetts.....	17		17	
19	Michigan.....	19		19	
11	Minnesota.....	11		11	
9	Mississippi.....	9		9	
15	Missouri.....	15		15	
4	Montana.....	4		4	
7	Nebraska.....	7		7	
3	Nevada.....	3		3	
4	New Hampshire.....		4		4
16	New Jersey.....	16		16	
3	New Mexico.....	3		3	
47	New York.....	47		47	
13	North Carolina.....	13		13	
4	North Dakota.....	4		4	
26	Ohio.....	26		26	
11	Oklahoma.....	11		11	
5	Oregon.....	5		5	
36	Pennsylvania.....		36		36
4	Rhode Island.....	4		4	
8	South Carolina.....	8		8	
4	South Dakota.....	4		4	
11	Tennessee.....	11		11	
23	Texas.....	23		23	
4	Utah.....	4		4	
3	Vermont.....		3		3
11	Virginia.....	11		11	
8	Washington.....	8		8	
8	West Virginia.....	8		8	
12	Wisconsin.....	12		12	
3	Wyoming.....	3		3	
531		472	59	472	59

OTIS F. GLENN,
WILLIAM H. KING,
Tellers on the part of the Senate.
LAMAR JEFFERS,
CHARLES L. GIFFORD,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Franklin D. Roosevelt, of the State of New York, has received for President of the United States 472 votes.

Herbert Hoover, of the State of California, has received 59 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

John N. Garner, of the State of Texas, has received for Vice President of the United States 472 votes.

Charles Curtis, of the State of Kansas, has received 59 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States each for the term beginning on the 4th day of March, 1933, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The Presiding Officer having announced the result, dissolved the joint convention; the Senate returned to its Chamber; and the Speaker resumed the chair.

Whereupon, Mr. Bertrand H. Snell, of New York, the minority leader, addressed the Chair and said in felicitation:

Mr. Speaker, I desire to take this opportunity to express publicly my personal congratulations to our able and efficient Speaker, who to-day has been so overwhelmingly elected Vice President of the United States.

The Members rose amid applause and stood while Mr. Snell continued:

May I wish him success in his new position, and may it be as pleasant to him as his service of many years in the House has been. I know I express the will of all your colleagues in the House when I extend to you our sincere congratulations and good wishes for the future.

The Speaker responded:

Mr. Minority Leader, may I express my appreciation for your kind words concerning my service as Speaker and accept your congratulations upon my election as Vice President?

I do not think it out of order for me to say publicly what I have said privately—I would rather remain in the House of Representatives. I have enjoyed my service here. My ears and my eyes and whatever intellect I may have may be over there, but my heart will always be in the House of Representatives.