

TITLE 2 - THE CONGRESS
CHAPTER 7 - CONTESTED ELECTIONS

§§ 201 to 226. Repealed. Pub. L. 91–138, § 18, Dec. 5, 1969, 83 Stat. 290

The subject matter of former sections 201 to 226 of this title is covered generally by chapter 12 of this title.

Section 201, R.S. § 105, provided that whenever any person intended to contest an election of any member of House of Representatives he had to give notice in writing to that member within thirty days of result of such election.

Section 202, R.S. § 106, provided that a member of House of Representatives whose election was contested serve an answer within thirty days after service of notice upon him.

Section 203, R.S. § 107; Mar. 2, 1875, ch. 119, § 2, 18 Stat. 338, provided time and order for taking testimony.

Section 204, R.S. § 108, provided for taking of depositions upon notice to other party.

Section 205, R.S. § 109, provided that testimony in contested election cases could be taken at two or more places at same time.

Section 206, R.S. § 110; June 7, 1878, ch. 160, 20 Stat. 99; July 1, 1898, ch. 541, § 38, 30 Stat. 555, made provision for issuance of subpoenas by specified officers.

Section 207, R.S. § 111, set forth requisite contents of subpoenas.

Section 208, R.S. § 112, authorized issuance of subpoenas by justices of the peace.

Section 209, R.S. § 113, made provision for taking of depositions by written consent.

Section 210, R.S. § 114, required that each witness be served with a subpoena at least five days prior to date he was required to attend.

Section 211, R.S. § 115, exempted witness from attendance at examinations out of county in which they resided or were served with a subpoena.

Section 212, R.S. § 116, mandated a \$20 penalty to be recovered by party issuing subpoena, and a possible indictment for a misdemeanor, for failure of party summoned to attend or testify, unless prevented by sickness or unavoidable necessity.

Section 213, R.S. § 117, provided that depositions of witnesses residing outside district be taken before any officer authorized to take testimony in contested election cases in district in which witness resided.

Section 214, R.S. § 118, required selection of qualified officers to officiate jointly with officer named in notice.

Section 215, R.S. § 119, provided that at taking of any deposition under this chapter, either party could appear and act in person, or by agent or attorney.

Section 216, R.S. § 120, made provision for examination of witnesses through device of taking their depositions before a qualified officer.

Section 217, R.S. § 121, provided that testimony to be taken by either party be confined to proof or disproof of facts alleged or denied in notice and answer.

Section 218, R.S. § 122, required officer to reduce to writing testimony of witnesses, together with questions proposed by parties, and have this writing duly attested by witnesses.

Section 219, R.S. § 123, empowered officer to require production of papers.

Section 220, R.S. § 124, provided that taking of testimony might, if so stated in notice, be adjourned from day to day.

Section 221, R.S. § 125, provided that notice to take depositions, with proof of service thereof, and a copy of the subpoena, where one has been served, be attached to depositions when completed.

Section 222, R.S. § 126, provided that a copy of notice of contest and of answer of returned member, be prefixed to depositions taken and transmitted with them to Clerk of House of Representatives.

Section 223, R.S. § 127; Mar. 2, 1875, ch. 119, § 1, 18 Stat. 338; Mar. 2, 1887, ch. 318, 24 Stat. 445, covered procedure followed by Clerk of House of Representatives once the sealed testimony was forwarded to him by officer who took testimony.

Section 224, R.S. § 128, fixed witness fees to be paid by party at whose instance witness was summoned.

Section 225, R.S. § 129, provided that each officer employed pursuant to this chapter be entitled to receive from party who employed him, such fees as were allowed for similar services in State wherein such service was rendered.

Section 226, R.S. § 130; Mar. 3, 1879, ch. 182, § 1, 20 Stat. 400, limited payments of expenses to contestee or contestant to \$2,000, and then, only upon filing of a detailed account of expenses with Clerk of Committee on Elections.

Effective Date of Repeal

Repeal applicable with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after December 5, 1969, see section 19 of Pub. L. 91-138, set out as an Effective Date note under section 381 of this title.