

Mr. WALSH. But if he is qualified to vote that takes care of that.

Mr. WILLIS. Where is that language in the bill?

Mr. WALSH. If you are working on the mimeographed sheet—

Mr. WILLIS. No; I have never read that.

Mr. WALSH. In the McCulloch bill, it is right at the middle of the page 2.

Mr. WILLIS. What line?

Mr. WALSH. Line 9.

Mr. WILLIS. All right. Suppose he shows that he is qualified to vote, or he so represents.

Mr. WALSH. He has to prove that before the referee.

Mr. WILLIS. Well, he has to prove that. What about the registrar of voters? He is not entitled to be heard?

Mr. WALSH. Yes, sir; and before this court.

Mr. WILLIS. Well, the bill does not say that. It says, "it shall be ex parte."

Mr. WALSH. No, that is the underlying insert I suggested for consideration. But the underlying insert also provides that before the report of the referee and his findings become final, they be served upon every party to the original action. The State registrar or whoever the State officer was in that original action will be served with these findings. So he not only will know the contention; he will know the finding of the referee in that regard.

Mr. WILLIS. Will he have the right of appearance before the referee?

Mr. WALSH. Not before the referee. Before the court.

Mr. WILLIS. Well, the referee is the one who is going to make the finding, and then his findings are conclusive "unless clearly erroneous."

Mr. WALSH. If you don't like that "clearly erroneous," some other standing can be included.

Mr. WILLIS. My dear friend; I am just trying to understand the bill. There are a lot of things I do not like about this, which you will soon see.

Mr. WALSH. All right; the referee's findings are not conclusive. They are tentative, and they are extended to the State registrar, or whoever the defendant was in the original proceeding, and he has 10 days or whatever the judge wants to give him, to come in and take exceptions to those findings.

Mr. WILLIS. That is, as to those parties to the original proceedings.

Mr. WALSH. Oh, no. That would be as to this new applicant.

Mr. WILLIS. Where is that in this McCulloch bill?

Mr. WALSH. This would all be part of the judge's order.

Mr. WILLIS. Well, does it say that? Does the McCulloch bill say that?

Mr. WALSH. No. The McCulloch bill does not specify this at all.

Mr. WILLIS. That is the only one I read.

Mr. WALSH. All the McCulloch bill does is authorize these special powers to the referee. The control of the referee is left in the district court's hands, the same as it always was, and he has to comply with standards of due process, whether you put it in the statute or whether you don't.