

...evidence, directly or indirectly, that testimony taken ex parte should be considered by the Committee in an election case, as well established. See *Spears v. Wood*, 104 U.S. 107.

Although the statute law of the State has not prescribed the rules of procedure and evidence in cases of contest like the present, but it is most respectfully submitted that the Committee and House are not without law in the premises, for it is held by a Court of high authority that "the same general rules by which Courts of law are governed in regard to the evidence in proceedings before them prevail in cases of contested elections."—*Coakley v. Van Winkle*, 104 U.S. 211.

The claimants themselves submit that the allegations of the contestants, as against these claimants, are entirely unsupported by any evidence whatever, which is legally admissible, as stated above.

It is contended by the Committee, in substance, within the limited time of the session of the House, to enter upon the proper investigation of this contest, according to those general rules by which Courts of law are governed, "the fault does not lie with the claimants, and it would be unjust to them, that they should be prejudiced thereby." In the opinion, it is held by the same high authority, that "if a petition is presented at so late a period of the session, that an investigation can not be conveniently had thereon, no further proceedings will, in general, be allowed to take place."—*Coakley*, p. 17—18.

The claimants themselves respectfully submit, that in this case, no further proceedings ought to be allowed to take place, where the right to the office in question, shall be questioned.

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