

mittee have not admitted the *examinations* of witnesses. The witnesses themselves have appeared and testified. Nor could your Committee properly admit the examinations of witnesses taken in any other than the prescribed manner, unless those examinations had been taken by consent of parties, because the law provides only one manner of taking examinations, and your Committee would not admit any evidence so contrary to the ordinary rules of courts, as an examination taken without authority of law or consent of parties.

The memorialists, however, do not appear as contestant only. By the third request, they come before this Court as citizens of this State, part of the people, protesting against a great wrong and outrage, and violation of law—a wrong not aimed against the memorialists particularly, nor done by “the persons returned,” but a wrong against the whole people of the State and against the cause of justice and right. The memorialists ask nothing for themselves individually; they ask only that such order may be taken by the House of Delegates as to them may seem most proper. It is not the candidates alone who are interested in this investigation. It is the cause of the people which is to be vindicated. The people have a right to a fair and free election by ballot to express their choice. If the honor and emolument of Delegates themselves were the special aim and object of the Constitution, in providing for their election; if it were their cause alone, the neglect of a contestant might well be urged *against him*, as a reason for refusing to hear his complaint. We are not to suppose, *without the strongest proof*, that it was ever intended that the negligence of three or four candidates would altogether deprive a whole county of that right which the founders of the State government esteemed so highly, that, making it the subject of an article of the “Declaration of Rights,” (Art. 5,) they declared “*that the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free government.*”

Notwithstanding the right to judge, conferred by the Constitution, if the defeated candidates should, by death or duress, be prevented from giving the notice, &c., and if that notice be a necessary prerequisite, the House would be deprived of its