

If, therefore, the Committee on February 9th, when notified of the Clerk's refusal to deliver the ballots, had at once taken steps to have them produced by an order to the Clerk from themselves or the House, the testimony for the contestants which had been closed eight (8) days before, could have been returned and laid before the House immediately. It is true that the House has seen fit, of its own motion, without the request of the Committee, and contrary to its action on the order of January 18th, to order the transmission of these ballots, but as they were not referred to the Committee until the 25th instant, after the argument before the Committee had been closed upon both sides, and when examination of the ballots was impossible for want of time, it is respectfully submitted, that for all practical purposes, such order might as well not have been passed or executed.

But again, the record shows that the respondents themselves are in a great measure responsible for the delay in the transmission of the evidence.

To prove this, turn at random to any portion of the contestants' testimony, in the 2nd and 3rd Districts at least, and it is apparent that the cross-examination, while for the most part, on matters entirely irrelevant, occupies from four (4) to twelve (12) times as much space as the examination-in-chief. This, of course, consumed the greater portion of the contestants' time, and prevented not only an early return of evidence, but the examination of large numbers of legal witnesses, amounting in the Third (3d) District to three (3) times the number actually examined.

In the Second (2d) District, as appears from contestants' brief, page 13, the contestants were obliged to complain in writing, and insist that at least two (2) witnesses be examined daily in a session of three hours duration, promising at the same time to consume but one-half an hour in examination-in-chief, and to leave two and a-half hours for the cross-examination.

What a waste of time there must have been to necessitate such a remonstrance and proposition! The different course pursued by the contestants in the cross-examination of respondents' witnesses is evidenced by the fact, that while it required twelve sessions of three (3) hours each to examine twelve (12) witnesses for contestants, the respondents examined twenty-five (25) witnesses in nine (9) sessions, averaging only one and a-half (1½) hours in length. In the Third (3) District, we find the respondents burdening the record with exceptions, statements, reservations and objections, but generally wholly foreign to the issue. One single example will suffice for illustration.