

Grason received so many votes, he was commissioned a Judge of the Court. Why, because the presumption was that he had the qualifications, and the same presumption refers to the Contestant of the seat, my argument therefore is entirely outside of the position taken by the Counsel of the Respondent, I say before he can ask that question, he must put that point in issue; when he does, then we shall be prepared to answer it.

*Mr. Whitney, Counsel for Respondent.*

My friend upon the other side, I have thought upon one or two occasions during this examination has seemed somewhat to loose sight of the respective positions which the parties occupy in this case; we are here acting so far as we are concerned upon the defensive; Mr. Ridgely has brought these proceedings against us, he is presumed to have examined the Constitution of the State and the provision in that Constitution to come here and institute these proceedings, and it is to be presumed that Mr. Ridgely in asking to be placed in that office well knew that he must come here with clean hands to come up to the standard required by the Constitution. Now, gentlemen of the committee, whilst Mr. Grason is interested in this matter and whilst too Mr. Ridgely is interested, Mr. Grason is interested as Mr. Grason and Mr. Ridgely is interested as Mr. Ridgely, but this committee have interests and rights to look after independent of Mr. Grason and Mr. Ridgely, and these rights are the interests of the State and it is not for this committee to confine themselves to the question whether Mr. Grason shall be judge of the court or whether Mr. Ridgely shall be judge of the court, but it is for this committee in the discharge of their duties here and in view of the object to be accomplished, to see that no disloyal man or man who has been in armed hostility to the United States that comes within the terms of these disqualifications whatever, has a seat upon that bench, and the committee may disagree with the views entertained by the Contestant and disagree with the views entertained by Mr. Grason, and say gentlemen we have a duty to perform over and above your individual interests in this contest. Although this investigation is carried on in your names, the main object is in behalf of the State for the purpose of accomplishing the constitutional provision as laid down by the framers of that instrument.

This memorial is filed in this House of Delegates. Mr. Grason could have remained silent and not have appeared before this committee at all, if he had seen proper. That would have not affected the duties of this committee, so far as they are concerned, it would have been equally the duty of this committee, if duty it is, under the constitution, to have