proposed to recall some of these witnesses, and after re-swearing them, to examine them as to the correctness of their former evidence. To the production of this book, and its use in the mode proposed, Mr. Purnell objected, and in our judgment the objection should have been sustained. But it was overruled by a majority of the committee, and witness after witness was brought upon the stand, and in two sentences of assent couched in a few monosyllables, whole pages of testimony, as printed in the book were received in evidence against Mr. Purnell. It seems clear to the undersigned that this mode of procedure was inconsistent with all "the general rules by which courts of law are governed in regard to evidence in proceedings before them." The testimony was not taken originally by Mr. Jarrett, nor against Mr. Purnell, but was as to him, *ex parte*. No notice was ever given to him that it was to be used against him, so that he might have been present to cross-examine the witnesses or contradict their statements. There is no act of assembly giving authority to a justice of the peace to take testimony to be used in a case of a contested election for Comptroller, and therefore such evidence can no more be admitted in this case, than it could have been in the case of Delegates, if the act of assembly of 1844, ch. 284, had not been passed. If that act were not in existence it could not be pretended that the contestants of the seats in the House of Delegates could have used this testimony before the committee. And yet is was admitted against Mr. Purnell in the entire absence of any law authorising it to be taken or used against him. If in the most insignificant case, a citizen is entitled to be confronted with the witnesses against him, it seems strange that in this important contest such safeguards may be set aside, and testimony, taken without notice to the men whose rights are to be affected by it, may be admitted as if regular and competent in every respect. That testimony taken *ex parte* cannot be considered by the committee in an election case, is well established. Spaulding vs. Mead, Clarke & Hall, p. 157.

The verification of these depositions by the deponents does not remove the objection to their competency. In our opinion it is no more admissible to attempt to verify these depositions in the mode adopted by the committee, than to verify depositions made by entire strangers, or articles in a newspaper, by asking the witnesses to read the article and state whether its contents are true. The objection was insisted upon by Mr. Purnell's counsel, who contended that no authority could be produced in support of so singular a proceeding; and none was produced before the Committee, and we trust, for the sake of justice, that none such can be