

found. On the contrary, we believe that no court of justice would allow a witness, when brought upon the stand, to produce a written or printed narrative, previously prepared, *ex parte*, and give it in evidence as his testimony in the case. One of the witnesses for the defence was the local editor of a Baltimore newspaper. Would it have been tolerated in this witness to produce his own editorial account of the election in Baltimore published at the time, and upon his swearing to the correctness of its statement, to deliver it to the committee as competent evidence? All the benefit of that most efficacious test of truth, a cross-examination, is virtually denied by this disregard of the immemorial forms of law, exhibited in this case, as we believe, for the first time in the history of legal investigation. No sufficient reason was assigned for thus departing from established forms. The averment that the limited time allowed the committee for this investigation would not permit the examination to proceed in the usual manner, proved to be as incorrect as it was illogical. Mr. Gaither examined a large number of witnesses at four or five sittings of the committee, thirty of them being examined in one day. All the witnesses produced by Mr. Jarrett might have been examined, by the aid of the stenographer, in the legal manner, in two days at the farthest; and more than two weeks intervened between the first session of the committee and the closing of his case by Mr. Jarrett.

But even if the apprehensions of the majority had proved well founded, the want of time to do full justice by a legal investigation was surely no reason why the committee should do injustice by conducting the examination illegally. If the time failed us, it was our duty to report that fact to the House, and to recommend legislation to avoid such results for the future. A judge with an overcrowded docket would hardly be justified in condemning the accused without a legal trial, for want of time to give a full hearing. It was no fault of Mr. Purnell that the investigation was not commenced sooner. The House met on the 4th of January, and the first meeting of the committee on the subject of Mr. Jarrett's memorial was not held until twenty days afterwards. The law is express that "if a petition is presented at so late a period of the session that an investigation cannot conveniently be had therein, no further proceedings will, in general, be allowed to take place."—Cushing on Legislation, pp. 77, 56.

This testimony, besides being *ex parte*, was given, in great part, in reply to leading interrogatories addressed to willing witnesses, and upon this ground would have been excluded by any court. The examination of Edward Horney furnishes an illustration of this. On page 13 he is asked how many