

that Mr. Purnell led the American ticket more than a thousand votes; that *two-fifths of the Reform tickets were printed with the name of Mr. Purnell upon them for Comptroller*; that these tickets were voted and circulated at the polls by leading Reformers, and in one case at least, by a candidate of the Reform party, at that election, for judge of the Orphans' court. All this was proved by the witnesses produced by Mr. Jarrett, and recalled at a venture by Mr. Purnell. He applied to the committee for leave to summon others of the most distinguished members of the Reform party, to prove similar facts, and to show that if the election had been conducted without the slightest disorder, he would have been elected by a large vote. He further asked leave to prove that many of those who were alleged to have been kept from the polls were his own supporters; but this offer was overruled by the committee upon the ground that "the testimony would be cumulative," as was also his offer to introduce evidence in his own behalf, after the further progress of Mr. Gaither's testimony had been arrested by the majority of the committee, to show that violence and irregularity to the extent alleged in the memorial of Mr. Jarrett, did not characterise the election in November.

We will now proceed to consider the law of the case, as expounded by the majority of the committee:

The quotations on the subject of riots, from page 76 of Cushing on Legislative Assemblies, collected by the majority of the committee in their reports, are supported only by the old authorities cited in the foot notes. These venerable volumes are not accessible to the undersigned, and they cannot, therefore, determine how far they bear out the text. But we would be as reluctant to assist in engrafting these antiquated decisions in election cases of the times of James the First, upon the election law of this day, as to see the rulings of the venal judges who hunted Sir Walter Raleigh to his death, adopted by our courts, or the other corruptions and tyranny of that reign fastened upon our government. Nor is our respect for those ancient authorities at all increased by the remark of Cushing, on page 57, that "for many years previous to the year 1770, controverted elections had been tried and determined by the House of Commons as mere party questions, upon which the strength of contending factions might be tested." We trust that this law and this spirit of applying it may long be unknown to our State.

Even the more modern decisions in England in election cases would not be safe guides here, because such cases in that country since Lord Grenville's act in 1770, are conducted upon an entirely different principle from that pursued in this