

vide a particular manner of taking examinations of witnesses in such cases, and section 62 provides that "the examinations of witnesses, taken in the manner prescribed," and in no other, shall be admitted in evidence.

There is no evidence before your Committee, that the provisions of these sections have been complied with, and, if they are consistent with the fundamental law of the State, and can properly be considered rules for this House, your Committee were evidently precluded from any inquiry under the first request into the contested election. The Constitution (art. 3, sec. 12) provides, that "each House shall be judge of the qualifications and elections of its members, subject to the laws of the State." The meaning hereby intended and expressed is, that the qualifications for office, and the rules for the conduct of elections, which are prescribed by the laws of the State, and in force at the time of the election, shall be the rules by which the House is to be bound, and to which it is to be subject, in making its decisions; and that it shall not declare any one elected, or duly qualified, or the reverse, unless the laws of the State which prescribe the manner of holding elections and the qualifications of officers warrant the conclusion. This opinion is based on the following reasons :

1st—By a well known rule of construction, the word *subject* relates to its nearest antecedents, qualifications and elections.

2d—If the House is to be the judge, *subject* to the laws of the State, those laws may deprive it altogether of its jurisdiction.

3d—It is expressly provided in the same section of the Constitution, that each House shall "determine the rules of its own proceedings."

This power to determine the rules of its own proceedings, whether in regard to contested elections or to any other subject, cannot be delegated to the General Assembly, or in any manner given away.

It may be urged that the sections of the Code before referred to *do* constitute rules of proceedings, which this House determined for itself, when its assent was given to the passage of the