

law. But even if the assent of the House had *then* made those sections "rules of its own proceedings," they would only continue obligatory at its pleasure, upon that particular set of Delegates of whom it was composed at the time of the assent. At every session it is necessary to adopt a set of rules of proceedings, without which, the House would have no rules.

In order to a clear understanding of this question, this body must be viewed as an entirely separate and distinct body, with its individual rights and powers conferred upon it by the Constitution. It is only in the legitimate business of the General Assembly, that the House is joined with the Senate. With regard to the management of its own affairs, the appointment of its own officers, and the rules of its own proceedings, the joint action of the two bodies, resulting in the form of a statute, can not bind the House any more than it could bind the County Commissioners, if to them the Constitution had given the power of trying and deciding contested elections, and of determining the rules of their own proceedings. The same power can not be in each at the same time, any more than the same thing can be in two different places at the same time.

However, upon a deliberate examination of the Code, the sections before referred to will be found not to apply at all as a restriction upon the House in this case. They do not declare, expressly or by implication, that a contestant who fails to give the specified notice to the "person returned," shall be precluded from having an investigation and decision of his cause by this tribunal. They simply provide a method by which a contestant desiring to take examinations of witnesses, to be afterwards filed with his memorial and presented here, may place his opponent under a legal obligation to appear before a Justice of the Peace, to cross-examine witnesses, and avoid an ex-parte, or one-sided investigation. Without these provisions of the Code, the person returned would be under no obligation to appear before a Justice of the Peace, and the Justice of the Peace would have no power to compel the attendance of witnesses. The "*examinations of witnesses*" so taken, and no other, are to be admitted in evidence; but "*examinations of witnesses*" means nothing more nor less than depositions in writing. Your Com-