

Law was not legally carried into effect, and that therefore the Judges were justified in governing themselves by the former poll-book, in accordance with the provision of section 2, of article 1, of the Constitution, which declares that "no person shall be excluded from voting at any election, on account of not being registered, until the General Assembly shall have passed an Act of Registration, and the same shall have been carried into effect."

The contestant on the other hand, insists that the action of the Registers is absolutely binding upon the Judges, and cannot be inquired into by this House.

In our opinion, the action of the Registers is absolutely binding *against each individual*, touching *his right to vote*, and for no other purpose, but is not binding upon the public, as to the right of voting, to such extent that this House, which is the grand inquest of the State, cannot review their conduct..

If this were not so, this House could not inquire into or censure the action of the Registers in any district, though it were shown by conclusive proof that the list contained only the names of negroes or minors or aliens; or that the Registers took no oath of office, or were bribed, or registered none but notorious rebels, or gave no notices of their meeting and neglected every direction of the law that created them. Such a construction would give to these officers the most absolute power over the entire population of the State. If this be so, then the bare naming of registers would be equivalent to the "carrying the law into effect," spoken of in the constitution, and the Registers are at liberty to trifle with the law and contemn its provisions in any way they might see fit, without impairing their work.

Such is not the case in regard to any other special jurisdiction committed to a particular tribunal. The law with respect to such special appointments, is perfectly settled in innumerable cases, viz: That the authority of the persons to act must plainly be set forth on the face of their proceedings, and that those proceedings are a nullity, unless they appear to have been strictly in conformity with the power entrusted to them.

In 10, Gill and Johnson, 292, Owings vs Worthington, Judge Dorsey said, "The powers vested in the Levy Court or Commissioners by the Act, 1834, is a delegation of special authority, and *the proceedings under it must display the authority by which they are had, and be in conformity thereto, or they are coram non iudice and void.*"

In 1, Gill, 380, Boarman vs Israel, the Court say "where a special limited jurisdiction, distinct from and not embraced by its general jurisdiction, is conferred by act of assembly on any tribunal, its power to act, as it has done, *must appear*