

the wisdom of passing such a law at the time when it was enacted. But he respectfully submits to this house, that in vindication of its own honor and character, as well as for the protection of the people of the State, it should require at the hands of those who were appointed to carry it into effect, an honest adherence to its terms and its spirit; that the rights of loyal citizens should not be permitted to be outraged by them, and that a law whose object was solely to guard the ballot box, at a time of great public danger, against the machinations of the enemies of the country, should not be prostituted by bad men so as to bring, not only the law itself, but its makers into just odium. It is in this spirit alone, and for the vindication of the law, that your memorialist invokes a calm consideration of the matter set forth in this his memorial, and the evidence to be submitted in connection therewith.

In reply to the first ground of objection to the validity of the election of your memorialist, that he is ineligible because he was not registered as a qualified voter, he begs leave to refer to the 2nd section of the 4th article of the constitution of the state, which prescribes the qualification of the judges of the several courts as follows:

“Sec. 2. The judges of the several courts, except the judges of the Orphans’ Courts, shall be citizens of the United States and residents of this State not less than five years next preceding their election, or appointment by the executive in case of a vacancy; and not less than one year next preceding their election or appointment, residents in the judicial district or circuit as the case may be, for which they may be elected or appointed. They shall be not less than thirty years of age at the time of their election, and selected from those who have been admitted to practice law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.”

It is not pretended that all the qualifications required by this section, are not possessed by your memorialist; but it is urged, that he is disqualified by the 4th section of the 1st article of the Constitution, because he has been guilty of some of the offences therein enumerated; and the only evidence of such guilt, upon which you are called upon to rely, is the action of the officers of registration. Now, these officers are constituted the judges of the qualification of voters and nothing more. The law under which they are appointed, did not pretend to deal with any other subject; and if it had, it could not confer upon them the power of determining upon the qualification of a Circuit Judge.

The 15th section of the 4th article of the Constitution expressly confers that power upon the House of Delegates, in