

wit: that in certain districts in Somerset County, many illegal votes were received by the Judges of election, who disregarded the Registry law; and that if all the votes of unregistered persons in said districts shall be excluded, and those only counted who were duly Registered, that the said contestant will appear to have received the largest number of votes, and to have been duly elected, &c., your memorialist begs leave to submit the following considerations:

By section 2d of article 1st of the Constitution, it is provided "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. After which, no person shall vote unless his name appears upon the Register."

If then it can be shown, that in any or all of the districts referred to by the contestant, the Registry law was not legally carried into effect, it is respectfully submitted, that in those districts the Judges of election did right in receiving the votes of all persons who were duly qualified under the Constitution and laws of the State, and in not excluding from voting any person "on account of not being registered." Whether the Act of Registration was ever carried into effect in those districts as well as in others, is more a question of law than of fact. It is not denied that those to whom was entrusted its execution pretended to make a registration, but it was so irregular, uncertain and illegal, both in its form and in the manner of its execution, that it was not a compliance with the law and was not binding on anybody.

In the first place the officers of Registration gave no notice anywhere in said county, to which their names were appended, of the time, place and object of their meeting; their commissions were not of record in said county, and voters had a right to know, by the notice which they were required to give, before whom they were called to appear. It is even true, as your memorialist has been informed, that in one district four men held commissions at the same time, and finally settled between themselves who should sit in the Board of Registration. The original books of Registration deposited with the Clerk of the Circuit Court for Somerset county, copies of which will be submitted to your Honorable Body, show the illegal and arbitrary manner in which the Officers of Registration pretended to discharge the duties imposed upon them, of which the following are a few examples:

1st. Instead of inserting in lieu of the names of disqualified persons in the eighth column the names of the witnesses by whom the disqualification was proved, they often have