

no legal registration in some, if not all of the election districts in Somerset county, relying upon the evidence which will be submitted for fuller details.

It is believed that the Officers of Registration cannot set at defiance every requirement of the law which the Legislature, in its wisdom, inserted for the protection of the people against the abuse of the extraordinary powers conferred by it, without rebuke. That they may err in particular cases without any sufficient redress is conceded, but when the record of their labors itself discloses, that they have failed to discharge their duties according to the evident intent of the law, have misconceived the whole principle upon which it was based, and have done irreparable injury by their illegal and arbitrary conduct, it is respectfully submitted that their pretended registration ought to be disregarded, and that the citizens of the county are entitled to the benefit of that clause in the Constitution which provides "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."

Your memorialist would further respectfully submit, that if the Act of Registration passed by the General Assembly has been carried into effect, it is competent for this Honorable Body, in a contested election, to inquire into the action of the Officers of Registration in registering or refusing to register a citizen of the State as a qualified voter. For the purpose of conducting an election it is necessary to employ certain machinery by which the qualification of voters may be ascertained, the ballots received and counted, and the proper returns made of the result. Until recently, in this State, this machinery consisted entirely of the Judges of Election and their clerks. Upon a contest their whole action in the discharge of their duties was examinable. Their judgment in admitting or rejecting votes was always a subject of review, and the unlimited power of the House of Delegates to reverse their decisions and count votes which they had rejected is amply attested by its records. The Act of Registration has divided the duties heretofore exercised by the Judges of Election, and conferred some of their powers upon another tribunal. The Officers of Registration and the Judges of Election together, now constitute that machinery which formerly consisted of the latter alone. And the court of last resort to decide a contested election stands in the same relation to the two combined in which it stood to the Judges of Election when they exercised all the functions of both. This distribution of duties does not alter their nature, nor does it deprive the tribunal to which the law gives the ultimate right to decide the election of any of its powers. It can