

still examine into the conduct of the Officers of Registration, as it could into that of the Judges of Election, and rebuke any fraud or correct any errors which may exist. Otherwise it would be true, that the Officers of Registration would have unlimited power to commit any outrages upon the people. By acts the most arbitrary and illegal they might exclude voters without even giving a reason, or for a cause which upon its face is wholly insufficient, as was the case in Somerset county. They might even honestly mistake their duty and pervert the whole law from its original purpose. Will it be contended that this honorable body, which is the ultimate judge of the election, can apply no corrective? Suppose aliens and minors, either by mistake or wilfully, are admitted to vote, is there no power to declare an election brought about by such agency void? The doctrine seems so abhorrent to the very nature of our institutions that it cannot be tolerated, unless it is found in the most express terms in the Constitution. So far from this being the case, that instrument requires the Governor, in the case of any contested election for Circuit Judge, "to send the returns to the House of Delegates, who shall judge of the ELECTION and qualification of the candidate."

The language employed is the same as that used upon the same subject in the constitution of 1850 when there was no Registry law. Its plain import is to give to the House of Delegates the entire review of the election, and of all the facts and circumstances by which it was brought about. It would not be in the power of the Legislature, if they desired it, to make the action of Registration or Election Officers final; and in the Registry law there is no evidence of a design to violate this provision of the Constitution. This House cannot judge of the election unless the facts which constituted the election are before them. Its power over the subject is the same as that which was conferred by the Constitution of 1850, and under that power the House never failed, when called upon to do so, to go behind the returns of the Judges of Election, and inquire into their conduct. For the purpose of judging of the election such is still its power, and the Officers of Registration are no more beyond its reach than the Judges of Election. Now your memorialist proposes to show, by competent evidence taken and transmitted to this body according to the provisions of law.

1st. That the Officers of Registration in said county, in many instances, deterred applicants who were entitled to be registered from approaching them by publicly promulgating illegal and improper tests, to which they would be subjected.