

The evidence offered by the petitioner, to establish this fact, is the record notice of the Book of Registration, and depositions of James S. Lecompte and George H. Richardson. This evidence, in the opinion of the Committee, is ample to prove that the disqualification of Mr. Franklin was known to a sufficient number of the Electors voting for him, and the votes of whom were counted for him and included in the returns of the Judges of Election,—when they should have been thrown away, or not counted—to have determined the election in favor of the petitioner.

The petitioner avers, in the second place, that he received the largest number of legal votes polled at the said election, but that, by the illegal and corrupt conduct of the Judges of Election in the Fifth, Eighth, Tenth and Fifteenth Election Districts of Somerset County, in receiving, counting, and making returns of a large number of illegal votes, which were polled for Mr. Franklin, it was made to appear that Mr. Franklin received the largest number of votes and was elected.

It was urged with much zeal and earnestness before the Committee, by the learned counsel of Mr. Franklin, that if the Committee should believe from the evidence, that the Judges of Election in those several Election Districts had acted illegally and fraudulently as charged, that then the Committee must regard the whole election as null and void.

The Committee could not adopt this suggestion or proposition of the learned counsel; it is opposed to reason, and might work a great wrong upon a majority of the legal Electors; it is unsustained by authority, and is opposed to authoritative precedents.

It is true, that the testimony before the Committee offers most conclusive and painful evidence of flagrantly vicious conduct, and a reckless disregard of the law, on the part of the judges of election in their several districts, in receiving the ballots of persons, known to the judges, not to have been registered as qualified voters. Yet, in as much as there is no evidence showing that any legal voter was prevented from, or in any manner hindered or disturbed in the exercise of his elective franchise, and further, as it is possible to show, and it is a fact shown by the evidence, to a satisfactory extent—for whom the votes of those entitled to vote in those several districts, were polled—we were unwilling to consider the election in any of those districts as illegal and void, and thereby prevent the majority of the legal voters from a fair expression of their choice, but determined, if possible, from the evidence, to correct the returns which had been discredited and made unreliable by the mal-conduct of the judges. In adopting this course, the Committee have acted in accordance with the course pursued by the Court of Quarter Sessions in the celebrated contested election case—the