

“Mann Case”—reported in 2d Philadelphia Reports, page 322, and in accordance with the rule recognized by the highest judicial tribunals, as laid down in the case of *The People vs. Cook*, decided by the Supreme Court of New York, and reported in 14th Barbour’s reports, page 259: “That, omissions of officers conducting elections, through negligence, mistakes, or inadvertence to comply with all the directions of a Statute, *ought not to be allowed to disfranchise the electors.*”

The proper rule upon the subject, is not to permit such omissions, whether they are the result of negligence, ignorance, mistake or *fraud*, to invalidate the election, whenever, *by going behind the returns*, the canvass, or *even the ballot-boxes*, the true state of the canvass or ballot can be obtained and the express will of the electors ascertained.”

To sustain the charge of illegal conduct on the part of the Judges of election in each and all of those Districts, it was only necessary for us to examine the certified copies of the list of qualified voters and the poll-books in each of those Districts, which were in evidence before us. In the 5th Election District, we find on the list of qualified voters 232 names, and on the poll-books of that District we find the names of 337 persons, who were permitted to vote by the Judges of Election in that District. By the same evidence it is shown that, only 209 of those entitled to vote, voted, so that of the number of votes received, 128 were illegal—the votes of persons unregistered and not entitled to vote.

In the 8th District, we find on the list of qualified voters 70 names, and on the poll-books we find the names of 142 persons, who were permitted to vote by the Judges of Election in that District; and in this District it is shown by the list of qualified voters and the poll-books, that only 59 of those entitled to vote, voted, and that of the votes received, 83 were illegal.

In the Tenth District, also, we find on the list of qualified voters 93 names, and on the poll-books the names of 84 persons, who were permitted to vote by the Judges of Election in that District; and it is shown by the list of qualified voters and the poll-books, that only 66 of the persons entitled to vote, voted, and, of the votes received in this District, 18 were illegal.

And so, also, in the Fifteenth District we find on the list of qualified voters 98 names, and on the poll-books we find the names of 101 persons who were permitted to vote by the Judges of Election in that District, showing that of the votes received by the Judges of Election in that District three were illegal.

From the depositions of the witnesses who testified for the petitioner, it appears that of the qualified voters who voted