

In the twelfth paragraph of the memorial, the memorialist, after reciting by way of explanation the second section of the first article of the Constitution, "respectfully submits" that, if the Registry Law has not been legally carried into effect in any Election District, that then the Judges of Election in that district did right in not excluding from voting any person on account of not being registered. In the opinion of this Committee, it is not necessary for it, or this House, to consider the question thus submitted, in order to a proper decision of the case before them.

There is nothing in the evidence before the Committee, which, either regarding the instructions of the House, or equity, or fairness, or justice to the Officers of Registration, would sustain the intimation or statement that the registration, admitted to have been made, was not an honest as well as legal compliance with the law, and binding on every one.

The Committee finds in several of the books of registration, some irregularities and some uncertainties in the discharge of their official duties by the registrars; but no instance of uncertainty or irregularity can be found, except in the discharge of a duty imposed in that part of the law, which is clearly directory only.

We will proceed, however, to notice some of those acts of the registrars, which are averred to be uncertain and irregular. The first of these, as averred, is that "they (the registrars) gave no notice any where in the said County, to which their names were appended, of the time, place and object of their meeting.

It is not averred, and cannot be truthfully, that the Registrars did not give such notice, perfect in all its parts, except, that the names of the Registrars were not appended thereto. The law does not direct that the notice should be subscribed by the Registrars, and even if the law had so directed, a failure to subscribe their names to the notice, if it gave the proper information, would not have invalidated the notice or their proceedings under it. In the case of the *People vs. Peck* (11th Wend. 604,) it was held "that an election was good although the requirements of the statute in respect to the notice of the election had not been complied with, provided the election was fairly conducted, and the voters had information of the meeting. It is not here averred, nor can it be successfully, that every one interested in the registration had not, by the notice as given, full information of the time, place, and object of the meeting of the Registrars. And to sustain the authority previously cited on this point, the Committee would refer to the case of *Merchant vs. Langworthy*, (6th Hill, 646,) where it was