

*upon the face of its proceedings*, and when these proceedings are brought up for review in this court, it must appear from their inspection, that every thing has been done which the law required as the basis of the authority that has been exercised." See also, 3, Gill, 498.

And such is the unquestionable tenor of the authorities. The mere fact that a party is disfranchised is not enough, says Lord Mansfield, in *Stemmers vs Requem* 1, Cowper, 502. The word disfranchisement "signifies taking a franchise from a man for some *reasonable* cause."

The Judges of Election in those districts, according to the election laws of the State, met at their polling places on the morning of the election. They proceeded as required by law, Code, vol. 1, p. 259, to take an oath that they would permit all persons to vote offering to poll, who, *in their judgment*, shall, according to the directions contained in the Constitution and laws, be entitled to poll, and should execute their office in all things *according to the best of their knowledge*. This law was re-enacted with respect to the votes of soldiers by the very Legislature that passed the Registration Act. By section 2, of article 1, of the Constitution, the Judges saw that no voter was to be excluded from voting at any election until a Registration Law shall have been passed and carried into effect. They saw, by section 1, of the Act of 1865, chapter 174, that the officers of Registration were required to register the names of the voters only "*in the manner therein prescribed*," and they were therefore forced by their oaths to decide for themselves whether the Registration Law *had been carried into effect*. If no list had been made or returned by the Registers, it will not be denied that the Judges ought to have admitted all legal voters to poll, for certainly in that case the law could not properly be said to have been carried into effect.

Could the Judges notice no irregularities short of an entire failure to attempt to execute the law? Would they be bound to observe a list crowded with errors and uncertainties, and bearing on its face no greater evidence of a desire to carry out the law honestly than would be manifested by a total failure to execute it? The list given by the Registers to the Judges was required to be given to them "at or before nine o'clock on the morning of the election." (Section 11, 1866, chap. 174.) But in the Fifth district it was not delivered to the Judges until some time after the polls were opened, and was acknowledged to be defective by one of the Registers. (See testimony of Littleton Polk, p. 36, *et seq.*) In fact the Registers could not truthfully have stated a compliance on their part with the provisions of the Act, for in some districts they did not meet on all the requisite days, as