

the law are met, and the election is legal. The law provides its own means of conducting elections, and the State does not impose upon the voter the responsibility of judging of its sufficiency. If it did, the voter, with every security and safeguard of the law secured to him, might be disfranchised by dishonest or incompetent officers of election. Such provisions for the machinery of elections are directory, especially in the absence of fraud or injury. (Paine on Elections, sections 372-555, and Note.)

It is again objected that the officers appointed were not properly qualified because the oath prescribed by law was not administered *in totidem verbis*. In "Paine on Elections," at section 373, the following language appears: "If the right to vote were made to depend upon the due administration of the oath to the officers of election, the elector would be held responsible for that for which public policy does not require him to be held responsible, and his rights would be liable to forfeiture through the carelessness or fraud of other men in matters in which fraud is not uncommon and carelessness is almost universal. A rule providing that a failure to take the oath should invalidate a fair election, instead of tending to secure the rights of the people would tend to place their rights at the mercy of corrupt or careless men; instead of preserving the purity of the ballot, and subserving the interests of the great body of lawful voters, it would often insure success to cunning schemers of unscrupulous partisans. The authorities are almost without exception in favor of the doctrine that neither the omission of the oath of officers of election, nor any other less material variance from directory requirements of the Statute, will warrant the rejection of a vote of a precinct."

This is conclusive on this question.

The first question therefore must be answered in the affirmative. The election was held by judges properly appointed under section 45, of Article 33. They were officers *de jure* as well as *de facto*, were qualified by an oath, and in the absence of fraud or injury would have been qualified without an oath. (Paine on Elections, section 373.)