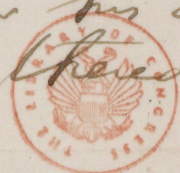


(?) Nov. 1858

It is made a question whether, under our laws, a person offering to vote, and being challenged, and having taken the oath prescribed by the act of 1849, is then absolutely entitled to vote, or whether his oath may be disproved, and his vote thereupon fully rejected.



In Purdie's Statutes, Vol. 1. all our existing election laws are brought together commencing on page 514 and extending to page 532. They consist of acts and parts of acts passed at different times -

The true way of reading so much of the law as applies to the above question, is to first read (14) Sec. X, including the form of the oath, on page 528. Then turn back and read (19) Sec. XIX on page 518 -

If it be said that the Section last mentioned is not now in force, turn forward to (75) Sec. XXI, on page 530, where it is expressly declared to be in force -

The result is that when a person has taken the oath, his oath may still be proved to be false, and his vote thereupon rejected -

It may be proved to be false by cross-examination of the proper voter himself, or by any other person, or competent ~~testimony~~ ^{testimony}, known to the general law of Evidence

On page 532 is an extract of a Supreme Court decision on the very Sec. 19. on page 518, in which, among other things, the Court say:

"If such person takes the oath prescribed by law, the judges must receive his vote, unless the oath be proved false. Something of a definition of perjury is also therein given.