

in the Fifth Election District, 107 of them voted for the petitioner, and, admitting that the others voted for Mr. Franklin, he could only have received 102 legal votes; and yet, the Judges of Election certify and return that he received 218 votes.

And in the Eighth Election District, it appears in like manner, from the depositions of witnesses, that of the qualified voters who voted in this District, 27 voted for the petitioner, and again admitting that the remaining qualified voters voting, voted for Mr. Franklin, he could have received only 32 legal votes; and yet, in this district, the Judges of Election have certified and returned that he received 112 votes.

And so, also, in the Tenth District, it appears, from the depositions of the witnesses, that of the qualified voters who voted in this district, 50 of them voted for the petitioner, and again admitting that the remaining qualified voters voted for Mr. Franklin, he could have received only 16 legal votes; and yet, the Judges of Election have certified and returned that he received 28 votes.

To correct the returns of the Judges of Election in these several districts, according to the evidence before us of the legal votes polled therein, and for whom those votes were polled, it will appear that the petitioner received in the 5th Election District, 107 votes; in the 8th, 27; in the 10th, 50; making an aggregate in the three districts of 184 votes. And that Mr. Franklin received in the 5th Election District, 102 votes; in the 8th, 32; in the 10th, 16; making an aggregate in the three districts of 150 votes.

Yet, according to the returns and certificates of the Judges of Election in these Districts,—upon which certificates the Judges of Election at the close of the election made their returns to His Excellency the Governor. Mr. Franklin appears to have received in the 5th Election District, 218 votes; in the 8th, 112; in the 10th, 28; making an aggregate in the three Districts of 358 votes, 208 of which must have been illegal, and should, therefore, be stricken from his poll and from the returns.

The returns thus corrected would show that Mr. Franklin received, in Somerset County, 559 legal votes, and did not receive 707 votes as it was certified to His Excellency the Governor.

According to the same certificates and returns, the petitioner received in the 5th Election District, 118 votes; in the 8th Election District 30 votes; in the 10th Election District 51 votes; making an aggregate of 199 votes—being 15 votes more than he has shown, by the evidence, were cast for him by the legal voters, and which should be stricken from his poll and the returns, and would reduce his poll in