

are to administer its machinery, and plainly set out the mode of their appointment and the necessary steps for their qualification. In the case at law the judges were neither appointed in the manner fixed by law, nor did they qualify according to its provisions. This committee must, therefore, determine that they could not hold a legal election. There is an oath of office to be taken by the judges of election as well as the ballot clerks. The terms and language of this oath become as much a part of the election law, as any other provision of it, and can no more be evaded or neglected than any other part of the law. The evidence shows that this most necessary step, and the only one that could give the power to legally act, was entirely omitted in the case of both the judges and the ballot clerk who acted upon that occasion. The oath prescribed by law was not administered to either one of them, and they were not authorized to act in that capacity. But even conceding the fact that the proper oath had been administered, was the Republican Judge authorized to do so? In other words, had the contingency for that act arisen? We think not. Article 33, section 45, of Public General Laws, provides that if any of the Judges should fail to *attend* at the place election, "at the time prescribed for opening the election," then other persons may be sworn in by the Judge or Judges who do attend. Now the committee cannot find that this contingency ever happened in this case. The regularly appointed judges of election did meet, and did qualify by taking the oath of office, at the time and place for holding the election. They were prepared as far as they could be to conduct the election according to the law under which they were acting, and so remained ready and willing to act from 8 A. M. until 12½ P. M. But they were supplanted by other judges because they were unwilling, and refused to receive illegal ballots. The provisions of the Act of 1890, chapter 538, relating to the appointment and qualification of election officers are mandatory, and must be strictly complied with. If this be not so, the law in question, that was prepared and put upon the statute books for the purpose of securing to the people a fair and free exercise of their suffrage, must entirely fail of its beneficial re-