

sults and must become absolutely migratory. The law is equally strict as to time and place. It is here also mandatory. The time at which this election was held, was long after the hour fixed by law. It should have commenced at 8 A. M., it did not commence until 12½ P. M. But the contestants urge that after it did begin, that everything passed off quietly, and that it was a fair and free election. What becomes of the abridgments of the time that the law offered to the electors in which they might deposit their votes? All the writers upon the law of elections say that this element will always enter into the question of a contest. Is it possible to believe that the contestees suffered no harm in this lapse of time? But the evidence fully answers this question when it is shown that the bulk of those who refrained from voting were Democrats, and the query is entirely answered when we find that out of a vote of 669, which is the registered vote of that precinct, the highest number of Democratic votes cast were 28. It is incumbent upon the contestants to show affirmatively that the contestees were not injured by the abridgment of the time, otherwise the presumption of law is that they were harmed, and the votes so cast will not be counted against them.

But there is yet one other serious irregularity connected with the vote cast at this precinct, and that is the ballot used.

Section 128 of the election law provides that all ballots to be used and cast at any of the elections in this State shall be printed and distributed at the public expense.

Section 137 provides that all ballots for use at any election shall be prepared, printed and furnished by the Supervisor of Elections, and on the back and outside shall be printed the words "Official Ballot For," followed by the voting place for which it is prepared, the date of the election and a fac-simile of the signature of the President of the Board of Supervisors of Election.

Section 158 provides that "no ballot without the official endorsement and the initials of one of the ballot clerks shall be allowed to be deposited in the ballot-