

box, or be counted." These are the plain and unmistakable provisions of the Act of 1890, chapter 538, under which this election was conducted. Were these requirements complied with? In the first place it has been shown that the ballots used at St. Leonard's precinct were brought there by a person unauthorized to handle them, or have them in his custody. They were not even in the condition in which they had reached the President of the Board of Supervisors, who was alone empowered to receive them. They were the ballots that had been prepared for a different polling place and were the official ballots for that precinct. In using them they were altered and changed so as to depart from what the law intended they should be. It is thus seen that in no single essential did they conform with the requirements of the election law. They were not the official ballots received by the officer whose duty it was to receive them, and not being such, under the law they became illegal as to their use. The very plain and explicit recitals of the law were placed there to preserve a secret ballot. Any change in the official character of such ballots, the law says shall nullify them, and even though voted shall not be counted. Therefore it must be concluded that the counting of these ballots was illegal. In arriving at this view, your committee is sustained by a recent decision of the Court of Appeals in 29 N. E. Reporter, 322.

The rejection of the votes at the St. Leonard's Precinct will give the contestees majorities reaching from 150 to 171. The contestants urge that had there been a legal election at St. Leonard's, these majorities could have been overcome, and in support of this view present tables showing large Republican majorities in that precinct for the past ten years. But even in these years a part of the Democratic ticket had been elected. But this view is not sustained by the evidence because only a small fraction over one-half of the registered voters of the precinct offered to vote at that election, and allowing for the increase of the Democratic vote that occurred in other parts of the same county, it must be inferred that the same ratio would have prevailed at this pre-