

ger had gone and obtained them, this messenger being a person unauthorized by law to bring the ballots, these ballots the Democratic Judges refused to receive, stating publicly that no valid election could be held with these ballots, the reason assigned for this opinion being that it was not the official ballots for the Second Precinct and that under the law they could not be received or counted, in this opinion the Republican Supervisor who was present concurred, this opinion was publicly announced to the voters who had assembled at the polls, many of whom then left. The Republican Judge then appointed two by-standers to act in the place of the two Democratic Judges who had refused to receive these ballots, and also another by-stander to act as Democratic Ballot Clerk. An oath was administered to these Judges and Ballot Clerk by the Republican Judge, to perform their respective duties according to law, the oath prescribed by law was not read or administered to them. After this occurred the two regular Democratic Judges and Ballot Clerk who had refused to receive these ballots were requested to leave the polling room, which they did. This occurred about 12½ P. M., four and one-half hours after the time prescribed by law for the voting to commence.

The ballots received from the First or Solomon's Island Precinct were then altered in following manner, the official endorsement was changed by erasing with pen and ink the word "First" and writing instead the word "2nd" and were then received by the Republican Judge and the two Democratic Judge appointed as aforesaid by the Republican Judge, from all these who offered to vote. The registered vote in the said second precinct is 669. There were of these unofficial and altered ballots 378 cast, all of said ballots so cast at said Second Precinct being those official ballots for First or Solomon's Island Precinct altered as above stated, and they were deposited between the hours of 12½ P. M. and 6 P. M.; 350 of these votes were for the contestant Bird and 28 were for the contestee Talbott. The majority for the contestee Talbott, outside of St. Leonard Precinct, was 171 votes. The counting of the ballots cast at St. Leonard's Precinct would give to