

ially abridged or shortened, the law presumes that an injury was done, and a contestant who seeks to have counted the ballots cast at a Precinct where the time for voting has been abridged, is required to take upon himself the burden of proving affirmatively, that the contestee was not injured by the abridgement of the time prescribed by law for the holding of the election.

In this case the time prescribed by law for holding an election was from 8 A. M. to 6 P. M.; by reason of no official ballots having been furnished, no ballots were offered or attempted to be cast until 12½ P. M.

Thus the contestee was deprived of four and one-half hours of the time he was entitled to have under the law for casting by the voters of their ballots.

The contestant has not attempted to show by proof that the contestee was not injured by the abridgement of the time, although the burden rested upon him so to do; if he desired to maintain his claim to have the ballots at St. Leonard's counted, it was his duty to take upon himself this burden and support it by proof. The presumption of law is that the contestee was injured by the taking away of four and one-half hours from the time prescribed by law for voting, and the contestant offers no evidence to overcome this presumption. For this reason, if for no other, the committee is of opinion that the ballots cast at St. Leonard's Precinct should not be counted, but should be rejected.

3. There has been prevalent in our country for a long time, the belief that the sancity of the ballot was in danger not only from open fraud and violence, but from undue influence exerted over the voter, this undue influence might be fraudulent as by bribery or an influence not strictly fraudulent, but of so importune a character as from threats or fear, as often to deter the voter from expressing his real wishes at an election.

The best minds and men in our country have agreed that the proper mode to prevent this evil of undue influence, is to provide by law for the absolute secrecy of the ballot. So that it will be impossible ever to ascertain how a voter voted. It being hoped that this secrecy of the ballot would deter any from resorting