COURT OF APPEALS OF KENTUCKY

October 25, 1935

J. J. (JIMMIE) HATCHER — APPELLANT

V. APPEAL FROM THE FLOYD CIRCUIT COURT

MEL PETRY — APPELLEE

OPINION OF THE COURT BY COMMISSIONER STANLEY

AFFIRMING ON ORIGINAL AND REVERSING
ON CROSS APPEAL AS TO COST

On the face of the returns, J. J. Hatcher had a majority of 10 over Mel Petry for the Democratic nomination for Representative of Floyd County. Petry contested the election. On a recount, certain ballots were held to have been improperly counted because of the failure of the election clerks to sign them as provided by law. The result was that Hatcher's majority was raised to 137. The judgment was affirmed in Petry v. Hatcher, decided September 24, 1935. The trial of the contest involving other grounds and defenses proceeded, as authorized by Chapter 62, Acts of 1934 (Sec. 1550-28, Statutes, 1934 Supplement). It was adjudged that the entire vote in John Possum precinct (where Hatcher received 81 and Petry 23 votes) and Jack's Creek precinct (where Hatcher received 375 and Petry one vote) should be disregarded because of the flagrant violations of the law and corruption of the ballots. The result was to hold that Petry had a majority