

careful reading of the same and a close examination of the reasoning upon which it is based, clearly shows that it is not an authority in the pending case under our Maryland Statute.

The provisions of the two statutes vary much as to the official ballot, so that, as I shall show, a change or difference in the designation of place in the New York ballot would destroy its secrecy, while the same change in the Maryland ballot would not.

In New York, the law provides that the voter shall be handed as many ballots as there are political parties of a certain strength. The ballots are separate or separable and not a blanket ballot with the tickets of all the parties on one piece of paper, as we have in Maryland.

In the case above referred to, the Republican tickets of certain districts, proved on being counted, to have been designed for certain other districts. In other words the designation of the polling-place on the back of the Republican tickets was wrong. Such designation on all other tickets used at said election was correct and proper.

The Boards of Canvassers counted these tickets and a mandamus was prayed and issued to compel said Board to correct its returns and in such correction to exclude all ballots not bearing a correct designation of the polling-place.

The Court of Appeals of New York in sustaining this mandamus, based its opinion solely and wholly upon the ground that the purpose of the law was to secure absolute secrecy in voting and thus to prevent bribery, intimidation and fraud; that the fact that a difference existed between the ballots cast by Republicans and those cast by the adherents of other parties, namely, the wrong designation of place on the Republican ticket, destroyed the salient feature of the law, because, such wrong designation was a distinguishing mark, that the law prohibited any ballot with a distinguishing mark from being deposited in the ballot-box, and that such provision in that law was mandatory, because a strict compliance with it was necessary to maintain the secrecy of the ballot, which was the prime purpose of the law.