

effort to take any testimony whatsoever in the manner required by law until February 10th, of the present year and during our session. It will be seen by reference to this testimony, that no attempt was made to produce any ballots before the examining Justice of the Peace, nor was there any notice whatsoever given to the contestee of any intention to produce such ballots. Nevertheless, at his request, an order was recommended by the Committee on Elections to send for all of the ballots cast in the election in Prince George's county, on November 7th last, and, acting upon this request, this Honorable Body ordered the production of said ballots before your Committee on Elections, and the same were counted before the committee in a manner which will be referred to hereafter. An examination of the testimony taken by the contestant will show the testimony was only taken regarding six (6) districts in Prince George's county, and yet the committee has undertaken to count the ballots in all of the fifteen (15) districts of said county.

Moreover, there has been no testimony produced before the committee as to the qualifications of the contestant, or his nomination for the position, nor, in fact, has there even been filed with the committee a certified copy of the result of the election in Prince George's county on November 7th last, and so far as any legal testimony regarding the same is concerned your committee has had none whatever before it.

Nevertheless, your committee has undertaken to make a re-count of all the ballots cast at said election, although no such re-count is allowed by the laws of this State, and upon such re-count they have undertaken to disqualify and throw out the ballots of 330 legally qualified voters of Prince George's county. This has been done in violation of the plain provisions of the election law, which require that every ballot shall be counted according to the intention of the voter. There is no authority given under our law to refuse to count any ballots which are marked so as to show the intention of the voter, and, as a matter of law, the rejection of any ballots which are properly marked can only be justified upon the ground of fraud which has been committed in marking the same, and that said ballots were marked for the purpose of identification. Not only does the tes-