

### Election Returns.

78.

While ballot boxes are not to be opened so as to permit the acts of sworn officers to be enquired into without an adequate and well-defined cause, yet when an indictment has been returned by a grand jury, a sufficient *prima facie* case has been made out for the opening of the boxes. An inspection and count of the ballots held proper in a criminal case. The grand jury held to have had the right to have the ballot box and ballots before them, and that the presence of a police commissioner and a supervisor of elections in the grand jury room for the purpose and in the manner testified to by them, did not prejudice the traverser. *Cochran v. State*, 119 Md. 550.

### Canvassing Boards.

82.

This section referred to in construing section 188—see notes thereto. *Usilton v. Bramble*, 117 Md. 13.

83.

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1904, art. 33, sec. 85. 1896, ch. 202, sec. 80. 1914, ch. 474, sec. 85.

87. The Secretary of State, Comptroller, Treasurer, Clerk of the Court of Appeals and Attorney General shall constitute the Board of State Canvassers, three of whom shall be a quorum. The Secretary of State shall appoint the meeting of the said Board, to be held at his office within thirty days after any State election, or any election at which a candidate for United States Senator be elected; if a majority do not attend, those present shall adjourn until the next day, at which time they shall proceed, without further delay, to canvass the votes. The Board, when thus formed, shall from the certified copies of the statements made by the boards of city and county canvassers, proceed to make a statement of the whole number of votes given at such election for the several candidates for the offices named in said statements and thereupon proceed to determine and declare what persons have been, by the greatest number of votes, elected to such offices, and each of them; they shall make and subscribe on a proper statement a certificate of such determination, and shall deliver the same to the Secretary of State. If any one of the canvassers shall dissent from the decision of the board, he shall state at large in writing, the reasons for such dissent. If any of the acts or proceedings of the Board shall appear to any one of the canvassers to be illegal and irregular, such canvassers shall protest against the same, in writing, setting forth distinctly the grounds of his protest; the canvassers so dissenting or protesting shall deliver his dissent or protest, signed with his proper name, to the Secretary of State who shall file the same in his office, and he shall also keep on file in his office the copies of the statements made by the board of city and county canvassers. The board shall have power to adjourn, from day to day, during a period not exceeding five days.