

are of the essence of the law and must be strictly observed. The ballots cast at St. Leonard's precinct did not comply with a single one of the above named requirements. The ballots used at this precinct were delivered to the Judges by a person unauthorized to have them in his possession, some of which were loose and not in sealed packages. They had not the official endorsement required; and before they were voted the official endorsement written over signature of supervisor was changed with pen and ink, "first being stricken out and second inserted." The printed character of the official endorsement was destroyed.

It will not do to say that it was impossible to tell how the voter voted with these ballots, and that the change made in the ballots did not destroy the secrecy of the ballot. The answer to this is, that the General Assembly has prescribed the requirements to be observed to insure secrecy, and they must be strictly followed. The law says, no ballot without the official endorsement as prescribed and the initials of the regularly appointed Ballot Clerk, shall be allowed to be deposited in the ballot box or counted.

It is not contended that the ballots cast at St. Leonard's precinct complied with this requirement of law.

For this additional reason therefore, the committee is of opinion that these ballots should not be counted.

This portion of the opinion of your committee receives support from the recent decisions by the Court of Appeals of New York, reported in 29 N. E. Reporter, 322.

4. The rejection of the ballots cast at St. Leonard's Precinct, leaves the contestee with 171 majority, and entitles him to the seat in the Senate from Calvert county. The prayer of the contestant in his memorial is, that the vote at St. Leonard's Precinct be counted, and that he be given the seat in the Senate now occupied by the contestee, because the counting of the vote cast at said precinct gives him a majority in the county. He does not ask in his memorial that the Senate order a new election. The contestee contends that the contestant is limited in his demands to the prayer of his memorial, and that the Senate cannot order a new election, because it is not asked in the