

The official endorsement is the fac-simile of the signature of the President of the Board of Supervisors for the county—nothing more, nothing less—and is required to certify and be a guarantee of the official source and character of the ballot, and the initials of the Ballot Clerk are also required as an additional evidence of its official character, and that it went through the proper channels into the ballot box.

The designation of time and place are not, and cannot be any part of the official endorsement, or reflect any light upon the official character of the ballot.

A ballot with the *fac-simile* signature of the President of the Board of Supervisors of the county, and the initials of the Ballot Clerks would, in the absence of fraud be a legal ballot, without the designation of place.

Suppose by some mistake or inadvertence on the part of the Board of Supervisors, the designation should be left blank, or that a wrong designation of place should be printed on a ballot designed for a certain district, and the Supervisors, unable to procure duplicates, as provided in section 149 of the Act of 1890, should either fill in or alter the designation of place, and should instruct the Judges of the district to proceed with the election, and such election should be held in strict compliance with the law in all other particulars, and free and fair in every way, would not a Republican contestant have great difficulty in convincing this Senate that the provisions of this law as to the designation of place on the ballot were mandatory, if the Democratic contestee could show a clear majority in the county?

I fear he would; and yet that is just the case.

But the Committee finally relies for its opinion upon a decision of the Court of Appeals of New York in the case of people *ex rel* Nicholas vs. the Board of Canvassers of Onandago County et al., reported in 29 N. E. Reporter, page 322.

A cursory reading of this case is calculated to mislead one into the opinion that it is a conclusive authority upon the question as to whether an official ballot designed for our polling-place can be used in another, and it is under the New York Statute, but a