

registration books, he is not a resident of the said precinct, unless it should be affirmatively shown that he is such resident, and the entries made in such registration books shall not be considered by the court as evidence of any fact therein stated, but the case shall be heard *de novo*. At the hearing, evidence subject only to the ordinary rules of evidence (as modified by the provisions of this section), may be introduced for or against the application, and the judge shall dispose of the matter summarily by granting or refusing the order prayed, and the clerk of the court shall make a minute of the proceeding. The cost of proceedings in all such appeal cases shall from and after the twenty-ninth (29th) day of March, 1902, be one-half of those provided for and usual under existing law. If the board of registry shall have returned the registers to the supervisors of elections, a certified copy of any such order granted by the court shall be delivered to said supervisors, who shall thereupon make the required correction upon the proper registers, and under the head of "remarks" note that the same was made under such order of the court. The court may enforce any such order by attachment as in proceedings for contempt. No person admitted to the registry by the order of court shall be protected by such order if prosecuted for false registration or false voting. In all such cases the petitioner may be represented by counsel, and in disposing of the petition the court shall have discretion to impose the costs upon the petitioner, the county commissioners or the mayor and city council of Baltimore, or the board of registry, or any member or members thereof as justice and equity may require; but no attorney's appearance fee shall be taxed as part of such costs. In Baltimore city the supreme bench shall from time to time assign a judge or judges before whom or any of whom such petitions shall be heard, and neither party shall have any right of removal. Exceptions may be taken to any ruling of the court at the hearing of any such petition and appeal allowed to the court of appeals, as in other cases; all such appeals shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the court of appeals as soon after the transmission of the record as may be practicable.

Jurisdiction.

Nature and extent of the jurisdiction conferred upon the courts by this section—how it is to be exercised. *Collier v. Carter*, 100 Md. 384; *Smith v. McCormick*, 105 Md. 225; *Wilson v. Carter*, 103 Md. 130.

Where the complaint is that the board has failed to place a name upon the suspected list, the circuit court has no jurisdiction to strike that name from the registry. When an appeal lies from the action of the board of registry. *Wilson v. Carter*, 103 Md. 130.

An appeal must be taken within the time prescribed by this section, and neither an agreement of counsel nor an order of court can confer jurisdiction where the appeal is taken thereafter. *Cox v. Bryan*, 81 Md. 288; *Plummer v. Wilson*, 73 Md. 473.

Under the act of 1882, ch. 22, if the appeal to the circuit court is prayed prior to the election, the court will not be ousted of its jurisdiction because such appeal is not heard until after the election. *Baltimore v. Fledderman*, 67 Md. 161.