

county or legislative district before such removal out of the State, his occupation before such removal and since the time when he so removed, and when he returned, and all other pertinent facts and circumstances touching the right of such person to be registered, and they may require the truth of the answers of all persons to such questions to be corroborated by independent evidence, if, in their discretion they shall think proper, and if in answer to their questions or upon testimony produced before them, it shall appear to their satisfaction that the person applying to be registered had left the State without any intention of returning, or with the intention of returning at some indefinite time in the future, he shall not be entitled to be registered as a legal voter; provided, however, that this section shall not apply to United States senators and representatives in congress from Maryland, nor to any judge or justice of any court of the United States in case such judge or justice was at the time of his appointment to such office, or thereafter became, a registered voter of the State of Maryland, during such period as said judge or justice shall continue in the service of the United States. Any officer of registration who shall fail or refuse to perform the duty imposed upon him by this section shall be subject to the penalties imposed by section 96 of this article.

Section 14, ch. 573 of the acts of 1890 (providing for an affidavit in case of change of residence), was constitutional and it applied to a person who left the state prior to its adoption, and also to federal employees. *Southerland v. Norris*, 74 Md. 326.

The portion of the act of 1890, ch. 573, section 14, relative to the presumption of an intention to abandon residence in this state unless the affidavit is made, applied. The presumption is conclusive. *Bowling v. Turner*, 78 Md. 599; *Sterling v. Horner*, 74 Md. 573; *Lancaster v. Herbert*, 74 Md. 334; *Southerland v. Norris*, 74 Md. 326.

Under the act of 1890, ch. 573, section 14, the affidavit, if made, is not conclusive. To be entitled to register, the applicant must have returned to the state within the prescribed period. *Lancaster v. Herbert*, 74 Md. 334.

The affidavit required by the act of 1890, ch. 573, section 14, held, under the circumstances of the case, not to be a condition precedent to a right to register. *McLane v. Hobbs*, 74 Md. 172.

Cited but not construed in *Ticer v. Thomas*, 74 Md. 343; *Ritter v. Etchison*, 86 Md. 208.

1904, art. 33, sec. 28. 1902, ch. 133, sec. 25 v.

29. All persons who after the passage of the act of 1902, ch. 133, shall remove into any county of this State or into the city of Baltimore from any other State, district or territory shall indicate their intent to become citizens and residents of this State by registering their names in a suitable record book to be procured and kept for the purpose by the clerk of the circuit court for the several counties, and by the clerk of the superior court of Baltimore city; such record to contain their names, residence, age and occupation; and the intent of such persons to become citizens and residents of this State shall date from the day on which such registry shall be so entered in such record book by the clerk of the circuit court for the county, or of the superior court of Baltimore city, as the case may be, into which county or city such person shall so remove from any other State, district or territory.