

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 104 of this article.

A man who takes his family away for the summer, during which period he occupies a room in a nearby city outside of Maryland, and rents his home in Maryland under a short-term lease at end of which he returns to it, and does not make affidavit prescribed by this section, does not lose his right to vote in Maryland. *Garrett v. Bd. of Registry*, 139 Md. 392.

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

The affidavit required by act of 1890, ch. 573, sec. 14, held, under 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.

An. Code, sec. 29. 1904, sec. 28. 1902, ch. 133, sec. 25B.

31. 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. And no person coming into this State from any other State, district or territory shall be entitled to registration as a legal voter of this State until one year after his intent to become such legal voter shall be thus evidenced by such entry in such record book, and such entry or a duly certified copy thereof shall be the only competent and admissible evidence of