

Under 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 election. *Baltimore v. Fledderman*, 67 Md. 161.

Generally.

The petition under this section being in the nature of an appeal, cannot be filed until after board of registry has acted upon application. When an appeal lies from action of the board of registry. *Collier v. Carter*, 100 Md. 384; *Smith v. McCormick*, 105 Md. 225; *Wilson v. Carter*, 103 Md. 130; *Hanson v. Daly*, 129 Md. 289.

The portion of this section relative to presumption that a person continues to reside where he is shown to have once resided, and that if it is shown that he does not reside at residence given upon registration books, he is presumed not to reside in the precinct, applied. *Turner v. Crosby*, 85 Md. 180; *Howard v. Skinner*, 87 Md. 558; *Ritter v. Etchison*, 86 Md. 209; *Turner v. Crosby*, 85 Md. 688; *Chew v. Wilson*, 93 Md. 198.

In case of a suspected voter, the statute provides for constructive notice of petition to strike his name off, and leaving summons at his residence as given in registry is equivalent to service of the summons at such place, although voter has moved. *Carter v. Applegarth*, 102 Md. 338. See also *Applegarth v. Carter*, 102 Md. 342.

On appeal under this section, the court of appeals is not limited to a review of matters passed on below—see art. 5, sec. 10, and notes. Sufficiency of exception to bring case up in court of appeals. *Shaeffer v. Gilbert*, 78 Md. 72.

If the order of appeal is filed within five days, bill of exceptions may be signed within time allowed in other cases. *Ritter v. Etchison*, 86 Md. 207.

Legal services rendered in trial of appeals in accordance with this section must be paid for under sec. 170. *Anne Arundel County v. Melvin*, 107 Md. 535.

As to civil liability of judges of election for fraudulently and maliciously refusing to register a voter, see *Friend v. Hamill*, 34 Md. 298; *Elbin v. Wilson*, 33 Md. 142. See also *Hardesty v. Taft*, 23 Md. 530.

Under act of 1890, ch. 573, an appeal could only be taken to circuit court after final sitting of officers of registration. *Tiger v. Thomas*, 74 Md. 343.

Cited but not construed in *Bangs v. Fey*, 159 Md. 549; *Binswanger v. Whittle*, 176 Md. 148.

See notes to secs. 23 and 25.

An. Code, 1924, sec. 28. 1912, sec. 26. 1904, sec. 25. 1896, ch. 202, sec. 24. 1904, ch. 254. 1906, ch. 703. 1910, ch. 236 (p. 108).

30. In the counties a new general registration shall be made by each board of registry in the year 1914; such new general registration shall be made in the same way, at the same time, and under the same rules and provisions in all respects as are in this article made for the first general registration; and the respective boards of supervisors of elections in the several counties are hereby authorized and required to furnish, whenever in the judgment of said board it may be necessary or expedient, new books of registry for use in any of the districts or precincts in the said several counties, for the transcribing of the names of qualified voters residing therein from the registration books in use. The said transcribing shall be done in the office of the board of supervisors of election by two clerks to be selected, one by the supervisors representing the majority party, and one by the supervisor representing the chief minority party, as the said parties are now constituted in this State. The transcribing shall be done by the said clerks, both present at the same time, and new books, after being transcribed, shall correspond in all respects, and if they do not correspond at the conclusion of the work or if any error in the transcribing be alleged to exist, either of said clerks or any citizen or voter in any of said counties may file a petition in the circuit court within twenty days after said work is finished, naming the said two clerks and the board of supervisors of elections as defendants, and the said court shall have the power to make such order for correction of said books as may be proper; any political party that polled more than one per cent. of the votes cast at the last election may, through its political committee, if it has one, or by citizens representing the said party, if there be no political committee, name a watcher and substitute watcher, who shall be permitted to attend at the transcribing of said names