

such affidavit shall be made shall retain, index and record the same, and shall be entitled to demand and receive for each affidavit sworn the sum of thirty cents, and for indexing and recording the affidavit and acknowledgment thereto the same compensation as allowed by law for indexing and recording deeds; such costs to be paid to said clerks by the county commissioners and Mayor and City Council of Baltimore, respectively. Such affidavits shall not be admissible in evidence as evidence of the right of the persons making the same to registration unless they are recorded within five days from the date of the acknowledgments thereto, and a duly certified copy thereof shall be receivable in evidence in the same manner as a certified copy of a deed. False swearing in any of such affidavits shall be deemed to be perjury, and shall be punishable as perjury is punishable by the Code of Public General Laws, Article 27, title "Crimes and Punishments," sub-title "Perjury." Said officers of registration shall require the production of such affidavits duly recorded, or a duly certified copy thereof in all cases where they have reason to suspect that the person applying to be registered as a qualified voter has lost his residence by reason of his removal from the State, as hereinbefore mentioned; and they may also in such cases put any question which they may deem proper to such applicant concerning the place where he dwelt in the 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 140 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. *Garret 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.