

An. Code, 1924, sec. 103. 1912, sec. 95. 1904, sec. 93. 1896, ch. 202, sec. 87.

139. If any person other than a judge of election shall at any election, knowingly and wilfully put, or cause to put any ballot or ballots, or other paper having the semblance thereof into any box used at such election for the reception of votes; or if any judge of election knowingly or wilfully cause or permit any ballot or ballots to be in said box at the opening of the polls, and before the voting shall have begun; or shall knowingly, wilfully or fraudulently put any ballot or other paper having the semblance thereof in any such box at any election, unless the same shall be offered by a voter whose name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this article; or if any judge of election or other officer or person shall fraudulently during the canvass of ballots in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed, or shall remove any ballot or semblance thereof from or add any ballot or semblance thereof to the ballots taken from the ballot box then being canvassed, or from any ballot-box which has not been canvassed, every such person shall upon conviction thereof be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

See sec. 212.

An. Code, 1924, sec. 104. 1912, sec. 96. 1904, sec. 94. 1896, ch. 202, sec. 88.

140. If any judge or clerk of election, or any officer of registration, revision, election or canvass of whom any duty is required in this article, or by any other election law of this State, shall be guilty of any wilful neglect of such duty, or any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be punished by imprisonment in jail for not less than thirty days nor more than three years, or by a fine of not less than fifty (\$50) dollars nor more than one thousand (\$1,000) dollars, or by both such fine and imprisonment.

An indictment being under sec. 244, an instruction is erroneous which directs the jury that this section which makes wilful neglect of duty the offense, is applicable. *Cochran v. State*, 119 Md. 555.

If there be a remedy under this section, it does not necessarily depend upon construction of sec. 88, but upon question of whether the officers mentioned were guilty of corrupt or fraudulent conduct or practice in the performance of their duties, or, in some cases, of wilful neglect of duty. *Thom v. Cook*, 113 Md. 92.

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.

As to the indictment of an officer of registration under the act of 1882, ch. 22, see *Mincher v. State*, 66 Md. 230.

See sec. 212.

An. Code, 1924, sec. 105. 1912, sec. 97. 1904, sec. 95. 1896, ch. 202, sec. 89.

141. Every judge or clerk of election or other officer or person having the custody of any record, registry of voters or copy thereof, oath, return or statements of votes, certificate, poll-list, or any papers, documents, ballots, coupons or vote of any description in this article directed to be made, filed or preserved, who is guilty of concealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein except as allowed and directed by the provisions of this article, or who permits any other person to do so, shall upon conviction