

dence," "as used," says the learned Judge: "in the first section of Article first of the Constitution."

"Temporary absence, with a continuous intention to return, will not deprive one of his residence, though it extend through a series of years. * * * * * Nor will a sojourn, however prolonged, with an intention of returning, be sufficient to acquire a residence. There must be the act of abiding without the intention of removing therefrom."

There could be no more apt language framed to fit the case of Smoot than this; and the Court in this case, had not before it, furthermore, the case of an officeholder, as to which the construction of "residence" in favor of a home claimed away from the place of the duties of the office, is much more liberal than in other cases.

In *Shaeffer et al. vs. Gilbert*, in 73 Maryland, a case much relied upon by the contestants in the argument, on pages 69 and 70, is found the following language by Judge Robinson:

"All agree that the word 'residence' is in itself susceptible of different meanings. It may mean residence of a temporary or transient character, or it may mean one's fixed and settled home, in the sense of having no other home or place of residence. Its meaning depends upon the object and purpose with which it is used, and the subject-matter to which it refers."

This language, also, we submit, is in entire accord with the contention of Smoot, as to his residence in Charles county. He had a residence of a "temporary or transient" character in Baltimore city. It cannot be fairly said that he had any "fixed and settled" home there. He had merely a sojourn there temporarily, because the office was not more than temporary, as no office is whose length of term depends upon the pleasure of the appointing power.

The "object and purpose," using the language of the Court above, with which Smoot went to Baltimore city, were to discharge the duties of an office, and there was no other "object and purpose" in his going there; and he only went there, because, as is shown in the testimony of his father and himself, and which all