

cial life, or in other respects, with the locality of Baltimore. He had no interest there at all.

But he made other declarations about this time, and that what of thought he had in his mind as to the subject-matter of residence at all at the time, had reference to this temporary sojourn, rather than his fixed legal residence, is borne out and confirmed by other declarations, made contemporaneous with and somewhat after this time.

Almost at the same time, as is well known, the taking of the Federal census was proceeding. He requested the enumerator in Charles county to enumerate him as of the fifth election district of Charles county, as one of its residents. He gave orders that the enumerator in Baltimore city should not enumerate him as a resident of that portion of our State; and he had word conveyed, so he swears, to the enumerator of the State Census, which took place in the Spring of 1901, that he desired to be enumerated by him as of the fifth election district of Charles county; and since 1900, after his marriage, as before, he continued to vote in Charles county, and exercise an interest in matters leading up to and surrounding elections.

So that every deliberate declaration that he made, and every act from which an intention might be inferred, shows him yet more clearly manifesting a purpose to retain his home in Charles county than even before the date of his marriage.

It is submitted that it is not legal, and it is not fair, to segregate one single incident in the way of a declaration, from out of a number of others, and upon that to hinge a conclusion in conflict with a man's sworn intention and a large majority of acts and incidents which tend to indicate it.

We repeat, all the testimony shows that Smoot's only purpose for being in Baltimore was for the purpose of performing the duties of his office.

There has been no direct decision in Maryland as to the question of residence of office-holders, but there has been an Act of the Legislature which carries with it the force of a decision, at least by the Legislature.

Up to the year 1890, no one disputed the right of