

In McCrary on Elections, 4th edition, section 97, the following language is used:

“Residence, once acquired, by birth or habitation, is not lost by a temporary absence for pleasure or business, or while attending to the duties of a public office, with an intention of returning.”

Decisions sustaining this view will be found in

12 Pa. St., 365.

17 Fla., 389.

89 N. C., 115.

And a number of other reported cases.

In Wharton's Conflict of Laws, section 51, will be found the following language:

“It is clear that attendance on the legislative body of a nation, no matter how continuous, or occupancy of an official station of any kind, either at the pleasure of the appointing power, or for a term of years, confers no new domicile, without the clear intention and arrangement of the officer himself.”

The Civil Service law, under which Smoot held a clerkship in the Baltimore city postoffice, being the Act approved January 16, 1883, as found in volume 22, U. S. Statutes at large, 47th Congress, page 403, shows that no life tenure is given, but that the party holds at the pleasure of the appointing power.

No one, we apprehend, will contend that a clerk in one of the tobacco warehouses in Baltimore city, whether he takes his wife with him or not, would lose his right to vote in the county from which he was appointed. We respectfully submit that that would be a doctrine of doubtful propriety, to say the least, which would hold that one rule should apply to occupants of State offices, and another, a harsher and narrower one, to those who may hold office under the Government of the United States.

If a Senator of the United States, with no provision of law making exception in his favor as to the right of holding office, should spend every day of his six year term in Washington, no one would argue that he loses