

her respective seat in said car, coach or compartment, and should any passenger refuse to occupy the seat to which he or she may be assigned by the conductor or manager, said conductor or manager shall have the right to refuse to carry such passenger on his car or coach, and may put such passenger off his car or coach, and for such refusal or putting off the car or coach neither the conductor, manager or railway company or corporation or person owning or operating the same shall be liable to damages in any court, and the passenger so refusing to occupy the designated seat to which he or she may be assigned, shall be deemed guilty of a misdemeanor, and on indictment and conviction thereof, shall be fined not more than fifty dollars, or be confined in jail not more than thirty days, or both, in the discretion of the court, for each offense.

An. Code, 1924, sec. 446. 1912, sec. 401. 1908, ch. 248.

**524.** Any conductor or manager on any railway who shall upon request, refuse to perform the duties imposed upon him by sections 521 to 526, shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof shall be fined not more than twenty dollars for each offense.

An. Code, 1924, sec. 447. 1912, sec. 402. 1908, ch. 248.

**525.** When the seats in any car, coach or compartment shall all be occupied, but not filled, and the increased number of passengers can not be accommodated with separate seats, the conductor or manager in charge of such car or coach is hereby authorized to assign passengers of the same color to the vacant seats, and he can, with the permission and consent of the occupant, assign a passenger of the other color to the unoccupied seats, but not otherwise.

An. Code, 1924, sec. 448. 1912, sec. 403. 1908, ch. 248.

**526.** The provisions of sections 521 to 526 shall not apply to persons employed as nurses or valets when accompanying those needing their attention.

### Perjury.

An. Code, 1924, sec. 449. 1912, sec. 404. 1904, sec. 356. 1888, sec. 226. 1692, ch. 16, sec. 4. 1809, ch. 138, sec. 8. 1828, ch. 165, sec. 6. 1858, ch. 414, sec. 10.

**527.** An oath or affirmation, if made willfully and falsely in any of the following cases, shall be deemed perjury: First, in all cases where false swearing would be perjury at common law; secondly, in all affidavits required by law to be taken; thirdly, all affidavits to accounts or claims made for the purpose of inducing any court or officer to pass such accounts or claims; fourthly, all affidavits required to be made to reports and returns made to the general assembly or any officer of the government.

Perjury is the willful making under oath in a judicial proceeding of a false statement material to the issue. The competency of person administering oath is immaterial. Indictment held sufficient. A plea in abatement that one of grand jurors did not believe in the Holy Scriptures, held bad. If any of grand jurors who found indictment are incompetent, such indictment is void and the issue may be raised by plea in abatement. *State v. Mercer*, 101 Md. 538.

It is sufficient to charge that traverser swore "willfully, knowingly, maliciously and falsely." Proceedings before officers of registration are *quasi* judicial and hence perjury may be committed in such proceedings. The offence of perjury must be charged with certainty; indictment held defective. *State v. Bixler*, 62 Md. 357.