

ters of the commanding officer thereof, and voters of this State belonging to such company who shall be within ten miles of such quarters on the day of election, may vote at such poll; the polls shall be opened at eight o'clock, A. M., and close at six o'clock, P. M.; the commissioned officers of such company or such of them as are present at the opening of the polls, shall act as judges, and any one officer shall be competent so to act, and if no officer be present, then the voters in such company present, shall elect two of the voters present to act as judges of the election; before any votes are received, each of the judges shall take an oath or affirmation, that he will perform the duties of judge according to law, will prevent fraud and observe and make proper return thereof, and such oath the judges may administer to each other; the election shall be by ballot, and any voter may vote in writing either 'for the new constitution,' or 'against the new constitution.'

Mr. BELR. I move to strike out this section. And not having had an opportunity to be heard upon the general subject to-day, I beg leave to remark, upon this matter of soldiers' voting, that, so far as I am concerned, it is an entire misapprehension to suppose that the general principles I have ever held, or hold now, or expect to hold, would induce me upon any occasion to deprive any one of his just and fair right to the elective franchise. I am not only in favor of soldiers voting, but of everybody voting. I am not only opposed to depriving soldiers of their right to vote, but I am opposed to depriving civilians of their right to vote after they have been years and years in this State, without having been out of it at all.

But the real objection that has obtained in this State, and in all other States on this side of the military line, to soldiers voting in camp, is not that anybody wants to deprive them of a fair right to vote under the same conditions under which civilians vote. If they can procure furloughs, or be detached and come home and vote as they have done heretofore, under the same conditions that civilians vote, there would be no objection on earth to it. But the objection arises from the circumstance that it is proposed that these people shall vote nobody knows where, no matter how many hundreds of miles away from the place where the election is conducted. It is the total abnegation of all protection against fraud. Nobody can guarantee a fair election under these circumstances.

And another objection, and a strong and conclusive one to my mind, against the policy proposed to be inaugurated, not from any indisposition that the right of suffrage shall be exercised, is that it is to be conducted by persons who are not officers of the law, and therefore a discrimination is made between one part of our people who are in the State, and those who happen to be in the military ser-

vice, in favor of those who are in that service. I am opposed to a policy which gives to men, because they happen to be in the army and out of the State, who are in a service which they have chosen with all the known disabilities of it, an immense advantage of this sort over our whole civil population. It is upon this ground and this only that I am opposed to this system.

The question was then taken upon striking out the section, and it was not agreed to.

No amendment was offered to the section.

The next section was then read as follows:

"Section 2. The judges may swear any one offering to vote, as to his being a legal voter of this State. The judges shall take down on a poll book or list the names of all the voters as their votes are taken, and the tickets shall be placed in a box as taken; after the polls are closed, the tickets shall be counted and strung on a thread, and the judges shall make out a certificate, which they shall sign, addressed to the governor, in which they shall state that they have taken the oath hereby prescribed, and shall certify the number of votes taken, and the number of votes for and against the constitution; the said certificates shall be accompanied with the names of the voters, and shall be plainly expressed, but no particular words shall be required."

Mr. DAVIS, of Charles. I move to strike out the word "may," in the first line, and insert the word "shall." I can see no reason for swearing voters in the State and not swearing those out of the State.

Mr. PUGH. My understanding of this section is this; that these judges are to exercise their discretion just as other judges do; but they shall not be required by this constitution to swear a man whom they know to be a citizen, though they may do so if they choose.

Mr. DAVIS, of Charles. The gentleman has voted for a provision requiring judges of elections to swear all civilians offering to vote.

Mr. PUGH. These judges are taking the votes of soldiers in the field, and they are supposed to know all the men who compose their companies.

Mr. DAVIS, of Charles. I think there is a much greater necessity for swearing voters who are out of the State than those who are in it.

Mr. MARBURY. I think it is clearly established upon the authority of the best legal minds of the country that the word "may" here means "shall," and leaves no discretion whatever.

Mr. CUSHING. The officers are convinced of the loyalty of their men.

Mr. DAVIS, of Charles. They must be citizens of the State; not only loyal, but citizens of the State.

Mr. HEBB. The requirements of the oath in regard to civilians are not in relation to