

KANSAS ELECTION!

Qualification of Voters.

Dissection of the Oath prescribed by the Governor.

OATH TO BE TAKEN BY THE JUDGES.

I, A -----, B ----- and C ----- do swear that I will perform my duties as Judge of the election to be held this day at the house of -----, in -- election district of the Territory of Kansas, to the best of my judgment and ability; that I will keep a true, correct and faithful record or list of all persons who shall now vote at said election. That I will poll no ticket from any person who is not an actual inhabitant and resident of said Territory on the day of the election and whom I shall not honestly believe to be a voter, according to the provision of an act of Congress organizing said Territory; that I will reject the voters of all non-residents, who I shall believe have come into the Territory for the same purpose of voting. That in all cases where I am ignorant of the voter's right, I will require legal evidence thereof, by his own oath, or otherwise, and that I will truly count and record the votes received, and make a true and faithful return thereof, to the Governor of said Territory.

A. B.

C. D.

E. F.

Sworn and subscribed, March 30th, 1855, before opening the polls, before me.

G. H.. J. P.

March 18, 1855.

The only parts which require notice, are those which attempt to define the qualifications of voters, and to specify the *evidence* to be given:

1. "To poll no ticket from any person, who is not an *"an actual inhabitant and resident" on the day of the election.*

"Actual" means nothing—if an "in- at all, he is of course, an "actual inhabitant."

"Inhabitant and resident" are the same—if one he is both. Governor Reeder attempts to create the impression that by "resident," is meant something more; to induce the idea, that a voter must have a "residence" in the popular sense of a "house" in which he dwells! This is false and absurd; it is not necessary for a voter to have a "house, dwelling, or residence," in the popular sense. No property qualification is required in the Territory!

The terms "inhabitant," and "resident" are used in their *legal sense*, and mean the same thing. They are to be construed in Kansas, as they are in the States, with reference to the same matter.

In the States, a voter is required to be a "resident," "inhabitant," &c., a certain length of time—in some six months, in others twelve months.

In all such cases, every man knows that a person who merely *stays* in the State the time required, is deemed a voter. As in Missouri, a man who has been in the State twelve months, is an undoubted voter.

He would not be required to swear that he intended to stay there *always "permanently"* not a moment longer than he give his vote. He has lived as long as the law requires, and has a right to vote, no matter if he intend to move the next day.

In the celebrated case of Moore against Letcher in Congress, it was decided that young men at school, who had been at the school the proper time, six or twelve months, *had* a right to *vote*, although they intended to go to their father's the day following the election.

In the same case it was held that men who are hired to work, are "residents," "inhabitants," whenever they are at work.

The only general rule laid down by Congress in that case is this.

"A man is a resident, or inhabitant of the place where he is staying, with an intention to remain an uncertain time,"

If *the very day of his returning is not fixed—if it he uncertain*, he is in strictest law a resident and inhabitant.

By the Kansas act, every man in the Territory on the day of the election is a legal voter, if he have not fixed a day for his return to some other home, unless there be some other objection to him.

As in Missouri. if he stay twelve

months, the time prescribed by the law; so if in Kansas he be there *an the day*, the time prescribed by the Kansas act, he is a voter. An in neither case is he required to swear that he intends to remain any longer than the law requires.

This is really the only point of any importance in the whole oath.

2. "I will reject the votes of all *non-residents*, who I shall believe have come into the territory for the mere purpose of voting."

A very silly attempt to create another false impression.

Reeder wishes to create the impression, that a person has no right to vote, if his purpose in going into the Territory, was to get the right to vote!

But he dared not assert so absurd a position.

Every man has the right to go for such purpose as tic pleases, and has as much right to go there to vote, as Reeder has to go there to speculate in town lots and Kaw lands!

Reeder knew this, and hence he is forced to limit it to "*non residents*" who go for such a purpose.

"Non residents" have no right to vote, 410 matter what their purpose be*

"Residents" have a right to vote, no matter what their purpose in going, may be.

It is then the same question above considered.

8. "Poll no ticket" from any person who I shall not honestly believe to be a qualified voter according to the provisions of the act organizing the Territory" and "where ignorant of the voter's right, will require legal evidence thereof by his own oath or otherwise "

First, as to the grounds of belief and the proof required.

It in the States, a Judge knows that a voter has lived in the State the time prescribed by law, he is bound to believe him a legal voter. So if in Kansas where *no time* is specified, if a party be in the Territory on the day of the election the judge is bound to believe him a voter.

Under every law. a mar. who offers to vote is *presumed* to be a legal voter, and his right must be disproved. This has been decided a thousand times.

Secondly, of the proof when any proof is necessary.

"It shall be by his own oath or otherwise."

The presence of a voter is all the proof he is required to give. If present, it is necessary to show that he has not a right to vote. Again as we find in the States, where a residence of 6 or 12 months is prescribed, a voter is only required to prove that he has lived there 6 or 12 months. So in Kansas, where he is only required to be living in the Territory on the day of the election, his being there on that day is all the proof that is necessary. The party challenging must then show that he is not "a resident" or "inhabitant" within the meaning of the act.

The right cannot be disproved by showing that the voter owns property or has been living elsewhere. A man has the right to change his residence whenever he pleases—and can change it without having to build a house, or move his family—this is too plain to require argument.

An illustration of all these positions is given by Gov. Reeder himself in the case of Judge Flenneken who was a candidate last fall. Reeder recognised him as a voter and voted for him, although Flenneken had no house in the Territory—had a family and home in Pennsylvania—and left immediately after the election!

Others have equal rights with Flenneken.