

questions of age, residence, and a great many other nice questions, far more difficult than this will be. Unless persons are admitted to be lunatics by general reputation, they are never excluded from voting. I want the law to conform to the practice. I want those persons excluded who are not fit to vote, and who would only be made use of as the instrument of others. It was for these reasons that I proposed my amendment.

Mr. EDELEN. In addition to the remarks of my friend from Allegany (Mr. Thruston,) I will say in reply to the gentleman from Somerset (Mr. Jones,) that by this very section, already adopted, you have made and constituted your judges of election the judges of the term "infamous crime." If this question shall arise in any way the judges of election will have to determine that very difficult legal proposition—a proposition upon which legal gentlemen have differed here this morning. They determine two questions of residence, sometimes very intricate, arising from the question whether a party has left his former residence *animo revertendi*, or not, and others enumerated by my friend from Allegany. I wish to ask of my friend from Somerset this question, whether in the case of a man who is notoriously *non compos mentis* or insane, about whom there is no doubt, who is harmless and inoffensive, so that there is no reason why he should be confined in a hospital, about whom a writ *de lunatico inquirendo* never will be taken out, and who will never be put under guardianship, he is willing to extend the elective franchise to such a man? Surely if we do not accept the amendment of the gentleman from Allegany (Mr. Thruston,) and if we adopt the constitution as it at present stands, that will be the effect of it. This is certainly a no more difficult question than the judges of election are frequently called upon to determine. Whether they are qualified to do so or not is a different question. Sometimes they are, and sometimes they may not be.

Mr. JONES, of Somerset. In reply to the first objection that the term "infamous crime" is vague and indeterminate—that I admit, and I think it ought to be definite. I think it ought not to be so left, but ought to be obviated by some specific description of classes of persons or offences which it is intended to exclude. It is left now altogether too vague.

With reference to the other question, I believe that persons notoriously insane very rarely approach the polls. But if they do come and offer to vote, not being under guardianship, they are supposed to have sense enough to vote. It is not necessary that a man should have any particular amount of sense to give him the right of suffrage. You cannot gauge the quantity of intellect necessary to exercise the right of suffrage. My objection cannot be removed by

the suggestions of my friend from Charles (Mr. Edelen,) because it is much more safe to let the description in the constitution stand, referring to definite classes, than to give jurisdiction of such a character to the judges of election. I think it is safer for those who are entitled to vote and less liable to abuse. I think, therefore, upon principle that it is far better to leave the section in the terms of the present constitution.

Mr. BOND. I think it is far better that those who are under guardianship should be excluded, and that the whole class of men, from the man of intemperate habits down to the gibbering idiot, should be allowed to vote rather than that the judges of election should be allowed to decide upon the right to vote. We all know that in every county and every place there is some poor fellow who wants mind enough to conduct the ordinary affairs of life properly—with hardly sense enough to answer a civil question—who is regarded as to some degree idiotic. These men have always been allowed to vote. I think that only those who are so far gone in lunacy or insanity as to be under guardianship should be excluded. I should like to understand the effect of the amendment of the gentleman from Allegany (Mr. Thruston.)

Mr. THRUSTON. Unless they are under guardianship, no matter how far gone they may be in lunacy they are now permitted to vote under this section, and if you vote against my amendment it will be a vote to allow this class the elective franchise. It is well known in every community, by common reputation, that such persons are idiots and lunatics, and it is not often that they offer to vote. When they do it is always at the instigation of interested persons, and I want to exclude them. I know it has been the practice of judges of election to exclude those commonly known and recognized among their neighbors as idiots and lunatics, who are notoriously such, as persons who ought not to be allowed the right of suffrage. I therefore press my amendment.

Mr. SCOTT. It is well known that there are different degrees of lunacy or insanity. This matter was considered in the committee. But the difficulty was how to fix a rule to exclude the insane or lunatics from voting. It occurred to the committee that the only rule that they could safely lay down, was contained in the words of the present constitution, to exclude only those persons who were actually under guardianship; for any other course would be to throw the whole matter before the judges of election. One man would argue that a certain person was incapable of voting, because he was a lunatic, while others would insist that the person was sane. It would be an endless question. The old constitution wisely decided to exclude from voting only those who were under guardianship.