THE ELECTORAL FRANCHISE IN
MISSOURI

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THE ELECTORAL FRANCHISE IN MISSOURI

CHAPTER ONE

INTRODUCTION.

In a constantly changing political system no feature has been more noticeable than the development of the electorate. Such movements as those for the enfranchisement of women, for plural and weighted voting, proportional and minority representation and the representation of interests have for their object a change in the structure of the electorate. The adoption of the initiative, the referendum, the recall and the recall of judicial decisions would extend the functions of the electorate. By limiting the number of propositions put before the people, the advocates of the Short Ballot hope to make the control of the electorate more effective. Ballot laws, corrupt practice acts, and the regulation of primaries attempt to improve the methods by which the electorate accomplishes its work (I) .

(I) Shepard Theory of the Nature of the Suffrage in "Proceedings of the American Political Science Association" Vol. IX-pp 107-8

On the theory that all governmental activity must depend ultimately upon the sanction of the voters, the electorate may be thought of as a governmental agency determining not only the form and functions of the government but who shall exercise these functions. As McClure says, "the electorate is in practice an irresponsible and self-perpetuating body; it dictates certain qualifications for those who would enter its closed corporation. What these qualifications are, who shall compose the all-powerful electorate, is the question of first importance in American fundamental law". (2)

The determination of who should compose the electorate has been dependent largely upon the theory of the state which was held at any given time. Going back to the Greek city state it is found that the individual was completely absorbed in the state; a sphere of individual liberty was entirely unknown. The individual existed only in the state. Membership in the state was practically always inherited, and consequently it was shared only by a few, excluding those of different blood and religion, slaves and aliens. Taking part in the determination of

(2) McClure-State Constitution Making P. 99

the policy of the city was regarded, not as a right, but simply as a part of the life which the individual shared, just as he shared in the religious and social ceremonies of the state. Citizenship was the only qualification. (3)

Much the same conception of suffrage was held by the Germanic tribes. Every member of the tribe was entitled to take part in the deliberations of the "folk-moot". In Mediaeval cities voting was a function of citizenship, and here, as in the Greek city, citizenship was hereditary. (4)

During the Mediaeval period the theory of the electorate was based upon the division of society into feudal estates. Voting was a privilege attaching to a certain status. This status was usually connected with the ownership of land. Only a few were permitted to vote, and this privilege was jealously guarded by those possessing it (5). In England what was sought, even in the House of Commons, was not representation of persons but of interests. (6) When the great movement for

(3) Shepard-Theory of the Nature of the Suffrage in
Proceedings of the Am. Pol. Sc. Assn. Vol. IX pp 109-110

(4) Ibid. P. 110

(5) Gettell- Problems in Political Evolution P 237

(6) Goodnow-Principles of Constitutional Government P. 159

the extension of suffrage came about in the nineteenth century, this notion was not abandoned but the privilege was merely extended to those of other statuses.(7) The Belgium system of granting additional votes to larger tax payers, and the Prussian three class system of voting are also survivals of this theory.(8)

In the latter part of the eighteenth century, general dissatisfaction with the existing principles of representation arose throughout Europe. It was urged that man, not property, was the basis of representation.(9) The new movement was closely connected with the doctrines of an original state of nature, natural rights, the contract theory of government, and popular sovereignty.

These doctrines did not originate in the eighteenth century and may be traced back to the Middle Ages in the writings of such men as Thomas Aquinas, Marsiglio of Padua, Nicholas of Cues and William of Ockham.(10) During the seventeenth century the religious struggle in

(7) Anson-Law and Custom of the Constitution Part I pp112-122

(8) Gettell-Problems of Political Evolution P 237

(9) Goodnow-Principles of Constitutional Government P 159

(10) Gierke-Political Theories of the Middle Ages, PP 37-61

England produced a clear exposition of these views in "The Agreement of the People", drawn up by the Levellers.

(II)

It was maintained that all men were originally equal, that in the state of nature men were ruled only by natural law. Since men were born free and equal, no government could claim the allegiance of the people unless it was founded upon their consent to be ruled. "The right to vote for representatives," says Dunning", was held to be an immediate corollary of the principle that every member was by nature free and could be subjected to government only by his own consent; for government must be by law, and law must be the will of each individual, either expressed in person or through a representative".(I2)

These doctrines, as expressed by Locke, Rousseau, and other political writers, were very influential and formed the theoretical basis for the American and French revolutions.. The logical result, as regards voting, was not attained. What actually happened was an extension of the franchise.

(II) Dunning-Political Theories from Luther to Montesquieu
pp 234-241

(I2) Ibid p 236

The theory of the social compact has been pretty generally discarded; but the doctrine of popular sovereignty, continues to be as influential, at least in popular parlance, as ever. The theory of the abstract right to vote is probably the most generally accepted view of the suffrage among the majority of the people. The most evident fallacy of the whole doctrine lies in the confusion of the people and the electorate. (I3)

The theory of a natural right to vote has never been carried to its logical conclusion. Some standard of fitness as a prerequisite has always been implied. People are gradually coming to believe that the electoral franchise is neither a right nor a privilege, but a public office. The structure and functions of the electorate are determined by law. The qualifications for this office must be determined by expediency and not by abstract right. (I4) "The electorate" according to Holcome,* is intended to voice the will of the people, and those should be charged with the duty of voting whose experience in life is such as enables them to speak with authority for any class whose welfare is essential to the welfare of the whole people" (I5)

(I3) Shepard-op cit p II8

(I4) See Sidgwick, Elements of Politics pp 378-387

(I5) Holcombe-State Government in the United States P I57

At the same time, the value of the franchise as a means of individual development is recognized. It is insisted that something more is necessary than governmental efficiency. To grant the suffrage only to those who are skilled in political knowledge is to deprive those excluded of one of the best means of educating them in public activities. The fact that one takes part in a government tends to elevate his self-respect and produce a greater interest in and satisfaction with governmental activities. This theory is frequently urged by the advocates of votes for women. It had some little influence in securing the enfranchisement of the negro and a greater part in the extension of the franchise to certain classes of the population in our colonial dependencies. (16)

The movement for the extension of the suffrage to the masses continues, the best thought of today favoring as wide an extension as is consistent with good government. Garfield says: "I think it futile and foolish to attempt to prevent the ultimate extension of the suffrage to all citizens, excepting only aliens, minors, and those deprived of their liberty, or found personally incompetent by due process of law". (17)

(16) Shepard op. cit. P 136

(17) Garfield - Good Government and the Suffrage
in "Proceedings of the American Political Science
Association" 1912, Vol. IX., P 138.

In America there exists no single theory of the franchise, but a fusion of all of these. In the early colonies, suffrage qualifications were largely determined by charters and by the commissions of the governors. (18) These commissions rarely went beyond prescribing that the voter must be a "free-man". This word had no uniform meaning. In some colonies, e.g. Virginia, it meant no more than the word implies,-- free man. In New York it meant a member of a corporation. In the New England colonies, the term came to have a special significance, - meaning one who had been given the freedom of the colony. A person did not become a freeman until he had complied with certain qualifications and had been formally admitted to that status. Having obtained that status, he was allowed to vote. (19)

Although only Virginia made a positive provision prohibiting women freeholders from voting, the restriction of the franchise to males was understood as a qualification in common law. (20)

The age qualification, in almost every instance, followed the English law of twenty-one

(18) Bishop - History of Elections in American Colonies, P 46

(19) Bishop - History of Elections in American Colonies, Pp 46 - 52.

(20) Ibid Pp 64 - 65.

years. In Rhode Island householders of eighteen years were allowed to become freemen. New Hampshire made an age requirement of twenty-four years, and Delaware made twenty-two years the voting age. (21)

Except in the South no race qualifications were imposed by the colonial governments(22)

Few restrictions were made regarding citizenship although there was a tendency to restrict the franchise to subjects of Great Britain. (23)

The members of the Massachusetts Bay, Plymouth, and New Haven colonies felt that their political institutions would be endangered unless political control was kept in the hands of the members of the Puritan church. The church membership qualification was abolished in New Haven when that colony united with Connecticut. As long as the Puritans were in control in England, this qualification prevailed. But after the Restoration, the Church of England and the church in America came into conflict. In 1662 Massachusetts Bay Colony, at the or-

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- (21) Cleveland - Organized Democracy P 132
 - (22) Bishop - History of Elections in American Colonies - Pp 51 - 52.
 - (23) Ibid Pp 52 - 53.

der of home government, admitted persons to the franchise who could furnish a statement from a Minister saying that he was orthodox in belief. In 1691, at the union of the Massachusetts Bay and Plymouth, all religious tests were dropped. (24)

Although positive religious requirements were few, members of certain churches were often excluded from the electorate. Roman Catholics were excluded in South Carolina, New York, Virginia, New Hampshire, Massachusetts, and in Rhode Island after 1719, and in Maryland after 1689. In the colonies where no provisions were made disfranchising them, Catholics were so few in number that legislative action was unnecessary. (25)

Quakers were debarred by statute from voting in Massachusetts and Plymouth. In other colonies their scruples against taking an oath acted as an indirect means of disfranchising them. (26)

Jews were excluded from the electorate in New York and South Carolina. (27)

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- (24) Cleveland - Organized Democracy , pp 133 - 134
(25) Bishop - History of Elections in America , Pp 61-62
(26) Cleveland - Organized Democracy P 135.
(27) Bishop - History of Elections in America P 64.

Another method of excluding persons who were regarded as unfit for the exercise of the franchise was to make certain moral qualifications necessary. The conviction of certain crimes, either in England or the colonies, usually meant disenfranchisement. In some of the New England colonies it was often necessary for the voter to give actual proof that he had not been guilty of misconduct. (28)

The residence qualification varied from six months in Georgia to two years in Pennsylvania. In some of the colonies no residence requirement was specified. It seems that non-resident free-holders were sometimes permitted to vote. Where the franchise rested upon the ownership of land, residence qualifications were considered of little importance. (29)

In New England and Virginia no property qualifications were made in the beginning, and their addition at a later period was probably due to the interference of the home government. (30) With the omission of the religious and moral tests, suffrage was becoming, as in England, dependent upon the ownership of property. Before the Revolution,

(28) Bishop - History of Elections in America Pp 53 - 56

(29) Ibid Pp 66 - 68

(30) Ibid P 72.

all the colonies had some form of property qualification,- the most common being a freehold of the value of forty shillings per annum. The colonists soon began to recognize the inequality of excluding all interests but those of the landed class. The laws were amended in some of the colonies, and the personal property qualification was allowed as an alternative to the ownership of real property. Still later tax qualifications were substituted. This device, however, was not very common until after the Revolution. (31)

The suffrage requirements made by the colonies show, in general, the decided influence of the English belief in the representation of property interests.

Just prior to the Revolution the people took a greater interest in the political theories which were current at that time in England and on the continent. They believed in an original state of nature. The equality of men, government resting upon the consent of the governed, the sovereignty of the

(31) Cleveland - Organized Democracy Pp 143 - 147.

people, were familiar doctrines to them. One of the best statements of the whole liberal movement is found in the "Declaration of Independence". The logical conclusion of the doctrine of equality would have been to admit all persons to share in the government. But it seems that, having accomplished the task of gaining independence from England, the Fathers were ^{un}willing to carry their equalitarian theories much further. In no line is the aristocratic, conservative tendency more clearly shown than in the limitations upon the franchise. (32) Here it was felt that persons should show sufficient interest in the community before being allowed to vote. Ownership of property was considered the best evidence of such interest. All of the original states required that the voter manifest his financial interest in the community either by the ownership of property, preferably real estate, or by the payment of a tax. (33)

Shortly after the adoption of the federal

(32) Merriam - American Political Theories P 84

(33) Ibid P 85.

constitution, a movement away from these conservative views set in. The French Revolution called attention again to the doctrines of Liberty, Equality, and Fraternity, and in the beginning, the American people sympathized with them. Jefferson, too, had returned to this country, and his political philosophy became widespread. But this democratic program was not immediately carried out. The electorate still remained a limited body and was largely controlled by the propertied classes. (34)

(The great democratic movement came at a somewhat later period. Back of this movement were two important forces. The development of the West had brought about a new type of citizen. Living conditions were simple, - there was no leisure class; actual equality existed between individuals. The frontiersman believed firmly in the sovereignty of the people. (35) |

The other force back of this movement is found in the development of an industrial class which

(34) Merriam - American Political Theories - P185.

(35) Beard - American Government and Politics - P 82

came about as a result of the growth of cities. These people now demanded a share in the shaping of governmental policies which was being denied them where free-hold tenure was the basis of suffrage. (36)

As a result of the movement there was a change in the electorate from a property to a manhood basis. As had already been mentioned, there had been a tendency to abolish the free-hold tenure qualification and to allow a general property requirement. Later some states merely required that a tax be paid. The new western states did not make property holding a prerequisite to the exercise of the franchise and as new constitutions were adopted in the older states these qualifications were omitted. By the middle of the nineteenth century the broad principle of manhood suffrage was generally accepted in fact as well as in theory. (37)

Recognition of this theory was not gained without a struggle. The aristocratic classes of the East were quite unwilling to admit the masses of the people to share equally with them the exercise of the

(36) Beard - American Government and Politics P 82.
(37) Ibid. P 86.

franchise. They feared that they would be made the subjects of unfair taxation, that their charter privileges would be disturbed and their liberties abused. Among the opponents of the democratic movement may be mentioned Daniel Webster, John Adams, Joseph Story, Chancellor Kent, James Monroe, James Madison, and John Marshall.(38)

The liberals argued that the community was made up of persons, not of property, - that if only those who had property should vote, then votes should be apportioned in proportion to wealth. "The whole question", says Merriam, "was made to turn on whether property or human personality is the more fundamental element in civil society." (39)

Slowly it came to be realized that the non-landholding classes had interests to be preserved by the government and that the ballot in their hands was not necessarily a menace. Property qualifications then began to give way and the electorate was enormously expanded to admit the masses of the people.(40)

(38) Merriam - American Political Theories Pp 188 - 189

(39) Ibid - P191

(40) Ibid - P 199

In the United States the problem of the franchise has been complicated by the presence of the negro. At first there were no laws in the North preventing negroes from voting. Later, some of the states did make such restrictions. After the Civil War, the Federal Constitution was amended so as to prevent the states from depriving the negro citizen of the right to vote on account of race, color, or previous condition of servitude. Fearing the results of the political equality of the negro, the Southern states began to make restrictions which, while keeping within the letter of the law, were designed to be more burdensome to the negroes than to the whites. Alternative qualifications were often made. Among these was the famous "grandfather clause".

The immigrant has also been the cause of restrictions upon the right of suffrage. At first immigrants were needed to develop the frontier and in order to attract them the states granted full political rights within a short time. After the Civil War, some of the Southern states offered the same in-

ducement. But in the early part of the nineteenth century, a reaction set in. It was felt that the people who had always been accustomed to autocratic government should not at once be allowed to take part in a democratic government. The inclusion of an educational test in the Massachusetts constitution of 1856 was due to the opposition of the American party to alien voters. (41)

In a consideration of American State Constitutions, it is found that the voting age is universally placed at twenty-one years. (42).

Twelve states have completely abolished the requirement that voters must be of the male sex. These states are Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and New York. In some states where full suffrage is not granted, women vote in certain elections. (43)

(41) Cleveland - Organized Democracy Pp 170 -171.

(42) Beard - American Government and Politics p 143.

(43) Woman Suffrage Blue Book - 1917- Pp 24 - 26

School suffrage - Kentucky, Michigan, Minnesota, New Hampshire, Massachusetts, Vermont, Mississippi, Nebraska, New Jersey, North Dakota, South Dakota, Oklahoma, Connecticut, Ohio, Delaware, Wisconsin.

Suffrage on taxation and bonds - Iowa, Louisiana, Michigan.

Municipal suffrage - Illinois, North and South Dakota, Indiana, Vermont, Michigan, Nebraska.

Presidential suffrage - Illinois, Ohio, North Dakota,

Indiana, Rhode Island, Michigan, Nebraska.

Primary Suffrage - Arkansas, Texas.

Only nine states now retain the provision allowing aliens to vote, and in all these the voter must have declared his intention of becoming a citizen. (44) Some of these states would probably change this qualification if new constitutions were adopted.

Next to the question of sex, the educational qualification is probably the subject of the greatest controversy. Eighteen state constitutions make some sort of requirement which must be classed as educational. (45). The Colorado constitution states that the legislature may establish such a qualification (46) and North Dakota requires the legislature to make such provisions. (47) In several states the educational test is an alternative qualification. Some of the states require that a person be able to read and write his name; in a few of the states the voter must not only be able to read the constitution but to interpret it. (48)

The ownership of property which was originally

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- (44) Kettlebrough - The State Constitutions - Ala., Ark., Ind., Kan., Mo., Neb., Ore., S. D., and Tex.
(45) Ala., Calif., Colo., Conn., Del., Ga., La., Me., Mass., Miss., Wyo., N.H., N.C., N.D., Okla., S.C., Va., Wash.
(46) Art. VII. Sec. 3.
(47) Art. V. Sec. 127.
(48) McClure - State Constitution Making Pp 111-112.

an almost universal qualification, has now almost entirely disappeared. South Carolina (49), Louisiana (50), and Alabama (51) prescribe a property requirement as an alternative qualification. In ten states the payment of a poll tax is a prerequisite to voting. (52) In two others, Florida and Nevada, the legislature may make this a requirement. (53)

The length of residence required in the State varies from three months in Maine to two years in Alabama, Louisiana, Mississippi, North Carolina, Rhode Island, South Carolina, and Virginia. Several states require a residence of six months. (54) but the general rule is one year. (55)

By the constitutions of thirty-one of the states, insane persons or idiots are excluded from the franchise, and in a few states persons under guardianship are excluded. (56)

Pauperism is considered ample cause for disfranchisement, and nine state constitutions specifically state that no pauper can vote. The constitutions of three others state that no person kept at a poor house

(49) Art. 11. Sec. 1V.

(50) Art. 197. Sec 3-5.

(51) Sec. 180, 181.

(52) Ala., Ark., La., Miss., N.C., R.I., S.C., Tenn., Tex., Va.,

(53) Fla., Art. VI. Sec. 8; Nev. Art. 11., Sec. 7.

(54) Idaho, Ind., Iowa, Minn., Neb., Ore.

(55) Beard - American Government and Politics P 454.

(56) Cleveland - Organized Democracy p. 175

or asylum at public expense, shall be permitted to vote. (57)

The constitutions of most of the states disfranchise all persons convicted of infamous crime. Frequently this power is granted to the legislatures. Some offenses are often mentioned in the constitutions, among them being malfeasance, embezzlement of public funds, and defrauding the United States or any government. In most of the states disfranchisement follows offenses connected with the right of suffrage or any other offenses connected with election laws. (58)

It is the purpose of this paper to show the changes which have taken place in the composition of the electorate of the State of Missouri and to point out, where this is possible, how these changes are the result of general tendencies throughout the United States.

(57) Stimson - Federal and State Constitutions P 227
(58) Ibid - Pp 228 - 229.

CHAPTER TWO

THE TERRITORIAL PERIOD-1803-1820.

In the year 1800 Napoleon forced Spain to make the treaty of Ildefonso by which France gained possession of Louisiana. Actual control of the territory was not taken over by France until December 20th 1803. In the meantime Napoleon's plans for defeating England seemed less likely to succeed. With his characteristic quickness, he determined to sacrifice his plans for a colonial empire in America in order to concentrate his forces against England. Accordingly, he sold the whole of the territory to the United States, the treaty providing that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States". (1)

This, of course, did not carry with it any agreement regarding the granting of suffrage.

In 1804 the Louisiana territory was divided into two parts, the Territory of Orleans, (later the State of Louisiana), and the District of Louisiana, comprising the rest of the Purchase. The District of Louisiana was not

(1) Missouri Territorial Laws Volume I. Page 2.

given a separate government but was attached to the Territory of Indiana. In 1805 the District of Louisiana became the Territory of Louisiana but no change was made in the boundaries. (2) The officers were all appointed by the President with the concurrence of the Senate. (3)

In 1812 the name was changed to Missouri, the boundaries remaining the same. A decided change, however, was made in the government. The new law provided for a Governor and General Assembly. The House of Representatives and a delegate to Congress were to be elected by "all the free white male citizens of the United States above the age of twenty-one years, who have resided in the said territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto". (4)

A statute regulating elections enacted by the General Assembly of Missouri in 1814, contained the same provision, making it necessary, however, for the voter to reside in the District in which he offered to vote.

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- (2) Viles, History of Missouri p.42 *See reference - his. Statutes*
(3) Mo. Terr. Laws Vol. I pp.4-8
(4) Ibid. Sec. 6 p.10

A person, otherwise qualified, might vote outside of such district for the delegate to Congress after taking an oath that he had not and would not vote for the same officer in any other district. (5)

When the territory was organized no provisions were made for excluding from the electorate persons convicted of crime but these provisions were soon made by the General Assembly. Acts of 1804 and 1808 excluded persons convicted of bribery, perjury and forgery from the privilege of holding office. In 1813 persons convicted of forgery or counterfeiting were also made incapable of voting at any election. (6) In 1816 horse stealing was added to this list. (7)

In 1808 a general incorporation act was passed for towns and villages. The requirements for voting were the same as for the election of ^{territorial} state officers except that it was not expressly stated that the voter must be a citizen. He must have been an inhabitant of the town for a year. His name must also appear on the "district list of taxables" (8) but the payment of such taxes was not required. (9)

(5) Mo. Terr. Laws Vol. I p. 298

(6) Ibid p. 266

(7) Ibid pages 470-478

(8) The territory was divided into districts, such districts corresponding to our counties.

(9) Mo. Terr. Laws p. 187.

Chapter 111.

STATEHOOD AND THE CIVIL WAR.

1820 - 1865.

1. THE FRANCHISE FOR STATE AND COUNTY OFFICERS.

A. Qualifications.

As early as 1816 a petition asking for statehood was circulated throughout the State. At least one petition was sent to Congress in 1818, and in November of that year the Assembly formulated a memorial to Congress asking for admission into the Union. (1) In 1820 Congress passed an act authorizing the people of Missouri to frame a constitution. One act provided for the calling of a constitutional convention the members of which were to be elected by the free white male citizens who had arrived at the age of twenty-one years, who had resided within the territory three months previous to the election and "all other persons qualified to vote for representatives to the General Assembly of the said territory"(2). In accordance with a general movement throughout the country, the Constitution framed by this Con-

(1) Viles - History of Missouri P 69.

(2) Missouri Territorial Laws Vol. 1., P 298. The law of 1812 had evidently intended that persons not citizens might vote. See Territorial Laws, P 11, # 9.

vention took away the tax requirement for voting. It required that a voter must be a free white male citizen of the United States, twenty-one years of age and over, a resident of the state for a year and of the county or district for three months. (3)

In comparison with other state constitutions in force at this time it is found that the constitutions of Alabama, Connecticut, Indiana, Louisiana, and Mississippi alone provided that a voter "must be a free white male citizen of the United States". (4)

The age qualification, twenty-one, was the universal rule in all states where any age qualification was stated in the constitution. (5)

Alabama, Indiana, Maryland, Mississippi, and Ohio required a residence of one year in the State. Three states, Kentucky, Delaware, and South Carolina, required two years; Maine, three months. Several had no set time of residence. (6)

The Constitution of Alabama alone required a county or district residence of three months. The Constitutions of a majority of the states required

(3) Constitution of 1820. Art. 111, Sec. 10. During this period a person might vote in a township other than that in which he resided.

(4) Shoemaker - The First Constitution in Missouri pp 34-36

(5) Ibid. P 35

(6) Ibid. Pp 34-36.

no definite county residence. Maryland, Connecticut, and Mississippi required six months residence in the locality while Kentucky and Louisiana placed this period of residence at one year .(7)

An attempt was made to lower the age qualification to eighteen, but this motion was lost by a decided vote.(8) An effort was also made to change the section by requiring the payment of a state or county tax in some form or other. This motion was also lost.(9) Tax and property qualifications were everywhere disappearing, especially in the West.

A proviso added to Article 10 of the Constitution provided that "no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this state". This same proviso was found in the Constitutions of Alabama, Indiana, and Maine."(10)

The Constitution gave to the General Assembly the power to exclude from the electorate all per-

- (7) Shoemaker - The First Constitution in Missouri Pp 34-36.
- (8) Ibid. Pp 34 -36.
- (9) Ibid. P 35
- (10) Ibid. Pp 34 -36.

sons convicted of bribery, perjury, or other infamous crime.(11)Almost identical provisions were made in the constitutions of Alabama, Illinois, Kentucky, Louisiana, and Mississippi.(12)

Section 25 of the 1820 constitution declared that every person who should be convicted of having directly or indirectly, given or offered any bribe to secure his election or appointment should be unable to hold any office of honor, trust, or profit within the State, while any person who should give or offer a bribe to procure the election or appointment of any other person should not only be debarred from public office but should be disqualified for an elector for ten years after such conviction. (13) Twelve states at this time had some sort of corrupt practice act, but only the states of Connecticut and Delaware approach the Missouri provision in its severity. (14)

No changes were made in the qualifications for voting between 1820 and the Civil War, although provisions for disqualification for crime were made

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- (11) Constitution of 1820. Art.111. Sec. 15.
 - (12) Shoemaker - The First Constitution in Missouri Pp 34-36.
 - (13) Constitution of 1820 - Art. 111. Sec. 15.
 - (14) Shoemaker - The First Constitution in Missouri Pp40.

more rigid. A new constitution was proposed in 1845 but failed to get sufficient votes to be ratified. In 1850 another constitution was framed but it did not get enough votes in the legislature to have it submitted to the people. No changes were made in the qualifications by either document.

In 1861 a constitutional convention was chosen by the qualified voters of the state. This convention was to "consider the then existing relations between the Government of the United States, and the people and Governments of the different states, and the Government and people of the state of Missouri; and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded.(14)

X The slavery and anti-slavery elements were rather evenly balanced and little was accomplished. By the time the Convention was again called to gether in July, the majority of the Southern members had withdrawn. When the Convention met a third time in the year 1861,

(14) Journal of Missouri Constitutional Convention -
March 1861 - P 1.

an act was passed requiring that all officers take an oath of allegiance to the provisional government of Missouri and to the Government of the United States(15) At the same meeting it was proposed that the Committee on Elections be instructed to report a bill which would require all voters to take an oath to support the Constitution of the State of Missouri. The proposal was referred to the committee, and nothing further was heard of it at that meeting.(16)

When the Convention again convened in June 1862 it was suggested by the governor in his opening speech that an oath of loyalty be made a general qualification for all voters. (17) In accordance with this suggestion a proposal was made on the same day that a Committee on Elections and Elective Franchise be appointed by the chairman, the same to consist of five members. On June 3 the committee was appointed with James McFerran of Daviess County as chairman. (18)

The first proposal referred to the committee suggested that all men, whether civilians or soldiers,

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- (15) Viles - History of Missouri P 183 *with an appendix to the*
 - (16) Journal of the Missouri Constitutional Convention, 1861, P 6.
 - (17) Journal of the Missouri State Convention, June 1862, P 9.
 - (18) Ibid - P 9.

who had been found in arms against the United States, and all neutrals who had given them aid or comfort, should be disqualified to vote. (19)

A petition from the citizens of Moniteau county asking that such a law be enacted was then read and referred to the committee. (20) At a later meeting a similar petition from the citizens of Callaway county was also read. (21)

The next proposal came from Mr. Scott who suggested that in order to determine who were loyal citizens, an oath of loyalty should be required, stating that the voter had never taken up arms against the government of Missouri or of the United States, nor given aid or comfort to the enemies of either. Rigid provisions were made for the violation of the oath. (22)

The next suggestion was a rather unusual one. It was proposed that if the Committee on Elections and Elective Franchise reported a bill disfranchising

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- (19) Journal of Missouri State Convention, June 1862-p 9
(20) Ibid - P 10.
(21) Ibid - p 18.
(22) Ibid - P 10.

voters of Southern feeling, it should also contain a provision disfranchising abolitionists. (23) It seems that this member feared that if only Union sympathizers were allowed to vote, the abolitionists might prevail over the moderates and deprive the people of their slaves. (24) The proposal was referred to the committee.

A moderate measure was proposed on the fourth of June. It provided for the disfranchisement of all who had expatriated themselves by their own acts unless restored to citizenship by legislative action. It was desired that an ordinance containing such provision be adopted by the Convention. (25)

The ordinance as reported by the Committee on Elections and Elective Franchise contained three sections defining the qualifications of voters. First, no person who, had since August 1, 1861, taken up arms against the United States or had given aid, comfort, or encouragement to those engaged in rebellion, should vote at any election. The General As-

(23) Journal of Missouri State Convention, June 1862-P 12.

(24) Proceedings of Missouri State Convention, June 1862,
P 14.

(25) Journal of Missouri State Convention, June 1862 - P 13.

sembly was given power to repeal or modify this section either by general or special law.

Second, no person otherwise qualified should vote without an oath to support and defend the government of the United States and of the State of Missouri against foreign and domestic enemies. The voter must further agree not to aid , directly or indirectly, the enemies of the government of the United States or of the State of Missouri and state that he had not , since August 1, 1861, taken up arms or levied war against the United States or against the provisional government of the State of Missouri.

Third, it was provided that those who, through misrepresentation or a supposed sense of duty, had engaged in war against the United States or the provisional government of Missouri and who had abandoned all allegiance to ex-governor Jackson, might vote after taking a prescribed oath. They must renounce all allegiance to ex-governor Jackson and agree that in the future they would loyally support the United States and the provisional government of the State o f

Missouri and would not in any way give aid, comfort or countenance to the enemies of the said governments. (26)

When the ordinance came up for discussion, it was proposed that the part requiring the voter to swear that he had not taken up arms against the government since August 1861 be omitted. This was rejected by the Convention. (27)

Several attempts were made to change the date August 1861, to a later time, either to December 1861 or June 1862. (28) The former date, December 1861, was finally substituted. It was also proposed to add to the oath the words "nor have I since the seventeenth of December 1861 stole, taken, or pressed any property contrary to the law." This was rejected at once. (29)

A substitute measure for the section allowing Union men who had supported Governor Jackson to vote was rejected, as was also this section of the original bill. (30)

(26) Proceedings of the Missouri State Convention
June 1862 - P 28.

(27) Journal of Missouri State Convention - June 1862
P 24.

(28) Ibid - Pp 22-23.

(29) Ibid. P 23.

(30) Ibid. P 24.

Other amendments were suggested, but the ordinance as amended read as follows:

"No person shall vote at any election to be hereafter held in this State, under or in pursuance of the Constitution and laws thereof, whether State, county, township, or municipal, who shall not in addition to possessing the qualifications already prescribed for electors, previously take an oath in form as follows:

"I, --, do solemnly swear (or affirm as the case may be) That I will support, protect, and defend the Constitution of the United States, and the Constitution of the State of Missouri against all enemies and opposers, whether domestic or foreign; that I will bear true faith, loyalty, and allegiance to the United States, and will not, directly or indirectly, give aid, comfort, or countenance to the enemies or opposers thereof, or of the Provisional Government of the State of Missouri, any ordinance, law, or resolution of the State Convention or Legislature, or of any order or organization, ~~secret or otherwise, to the contrary notwithstanding;~~ that I do this with a full and honest determination, pledge, and purpose, faithfully to keep and perform the same, without any mental reservation or evasion whatever. And I do further solemnly swear (or affirm) that I have not, since the seventeenth day of December A.D. 1861, wilfully taken up arms, or levied war, against the United States, or against the Provisional Government of the State of Missouri ; so help me God" (31)

At the Convention of June 1863, it was proposed to modify this oath, but the suggestion was rejected. (32)

(31) Ordinances Passed at the Various Sessions of the Missouri State Convention. P 13.

(32) Journal of State Convention - June 1863 -P 24.

B. Disqualifications.

During this period the number of offenses which disqualified persons from voting was extended so as to include all felonies with the exception of manslaughter in the first, second, and third degrees. (32)

The proposed constitution of 1845 provided that any person convicted of a felonious or infamous crime in any foreign country or any State of the Union, or who had become a fugitive from that country or state on account of that crime should be incapable of voting. The disqualification was not to extend to crimes of a political nature nor to crimes not considered felonious or infamous in this state. The General Assembly was given power to exclude all persons guilty of bribery or other infamous crime. The Constitution also contained a clause disqualifying those convicted of having given or offered any bribe to procure his election or appointment to office or the election or appointment of any other person. (33)

(32) Revised Statutes 1855

(33) Constitution of 1845 - Art. 111. Sec. 15.

The Constitution of 1850 (which was not adopted) gave the General Assembly power to exclude from the right of suffrage all persons convicted of any infamous crime in the State or any State of the Union or of a foreign country. (34)

(34) Constitution of 1850- Art. 111. Sec. 13.

2. MUNICIPAL SUFFRAGE.

A general law for the incorporation of towns and villages was passed in 1825. This law provided that all free white male persons of the age of twenty-one years, resident within the limits of any incorporated town, who had paid a town tax and who were otherwise qualified, should be entitled to vote at all elections for town officers. If an election were held before a town tax had been levied and become due, the voter must have paid a county tax. (35) These qualifications were evidently intended to be in addition to those imposed by the Constitution, - citizenship, residence in the state of one year and in the county three months. No changes were made in the qualification for voting in a similar law enacted in 1835. (36)

Comparatively few towns or cities were incorporated by special act before the passage of a general law for towns and cities in 1841. In the

(35) Revised Statutes 1825 - P 768.

(36) Revised Statutes - 1835 - P 600.

charters for Hannibal (37), Troy (38), Cape Girardeau (39), and St. Charles (40). the voting qualifications were determined by the general law.

In these special charters some additional requirements were frequently made. The charters for St. Louis (41), City of Jefferson (42), and Booneville (43) required that every voter must have resided within the city twelve months before offering to vote. In the same cities it was provided that persons residing in the state, but not in the city, and being otherwise qualified, might vote if they owned real estate within the city on which they paid a city tax. These charters did not specify citizenship as a requirement, but this qualification was no doubt generally understood, since it would have violated the constitution to have allowed aliens to vote.

The charter of New Franklin merely provided that the trustees for the town should be chosen by the qualified voters - thus omitting the tax

(37) Laws 1838-39 - P 305.

(38) Ibid P 312

(39) Ibid P 300

(40) Laws 1836 P 307.

(41) Revised Statutes 1825 - P 204. A law of 1822 incorporating St. Louis had provided that "all free white male persons of twenty-one years and who shall have paid a city tax shall be entitled to vote at all elections for city officers".

(42) Laws 1838-39 P 306.

(43) Ibid P 294

qualification . (44)

In 1841 the legislature enacted a general law regarding suffrage in cities and towns. The requirements for voting were the same as found in the Constitution for the election of state and county officials except that a city residence of six months was made necessary. Those voting for officers of a ward must have resided within that ward for one month before the election. To vote, then, for municipal officials one must be a free white male citizen of the United States, at least twenty-one

(44) Laws 1832-33 - P 33. An act passed in 1832 incorporating the proprietors of Big Field of the town of St. Genevieve was exceptional. It was not, strictly speaking, a municipal corporation. It provided that all free white males and females over the age of twenty-one years and who owned land in the Big Field were to be permitted to vote. If the owners could not be present, their legal representatives might vote in their stead. A law regarding Big Field passed in 1851 provided that the trustees were to be chosen by the "owners and proprietors". A supplementary act passed in 1856 allowed every free white person over the age of twenty-one, owning land in the Field, to have one vote for every ten arpents of land owned by him or her. Those having less than ten arpents were allowed one vote.

years of age, a resident of the state for one year, and of the city six months, and if ward officials were to be elected, a resident of the ward for one month. The provisions in any charter of incorporation which were inconsistent with this act were repealed. (45) It seemed to be the intention of the legislature to give expression to the democratic movement which reached its zenith about the middle of the Nineteenth Century, by eliminating the tax qualification. Another evidence of this intention was included in this act by a provision which stated that no property qualifications should be required of any person to render him eligible to any office in any city or incorporated town.

No sooner had this law gone into effect than the legislature began to grant special charters which differed in many respects from the general law. This was due, however, to local influence in securing these charters and is not to be regarded as showing any general opinions held by the

(45) Laws 1840 - 41. P 28.

legislature regarding the nature of the suffrage. The qualifications for voting made by these charters were so diverse that it is difficult to perceive any general tendencies. Furthermore, many of the laws were so loosely framed that the actual meaning is difficult to understand. It is probable that the voting qualifications do not differ so widely as a strict interpretation of them would lead one to believe.

In a number of the special acts it was specifically provided that the qualifications of electors were to be determined by the general law of the state respecting towns. (46)

A great many of the charters did not enumerate the qualifications of voters, - merely stating that the officials therein mentioned should be elected by the qualified voters. According to the Constitutional provisions no definite period of residence within the town was necessary, although the voter must have been a resident of the county or

(46) A list of these towns and cities and the date of the issuance of each charter may be found in the appendix.

district for three months. (47) Inasmuch as the general law of 1841 required a city residence of six months, it is probable that it was intended that this rule should apply in these cases.

In the laws where the qualifications of the voters were enumerated, practically all of them specified that the franchise should be limited to citizens of the United States. In a few of them, however, this was omitted, - the law usually providing that voters must be free white male inhabitants. That the voter must be a citizen, as provided in the Constitution, was probably so generally understood that no alien was permitted to vote. (48)

The greatest diversity is found in regard to the residence qualification. Where the general law was followed, six months residence within the town was required. Where the qualifications were enumerated, the same rule was often follow-

(47) See Appendix.

(48) Towns in which citizenship is not specified - Cape Girardeau (1843 & 1853), Glasgow (1845), Lexington (1845), Palmyra (1845), Independence (1849), St. Joseph (1851), Oregon (1857), City of Forest (1861).

ed. Three months was frequently the required period. In this the legislature probably had in mind the constitutional provision regarding a county residence of three months and making the same rule apply to the residence period within the town. Almost an equal number of charters contained each provision, - twenty-six containing the six months provision and thirty-two requiring the three months period. (49) Six months may then be said to be the general rule, since those charters which followed the general law in regard to suffrage must be added to the number specifically mentioning the six months residence period.

A few of the charters made the requirement that the franchise was to be extended only to those who had, in addition to the other requirements, resided twelve months within the city. Such a provision is found in the charters of Cape Girardeau (50), Lexington (51), St. Genevieve (52), Arrow Rock (53), and Sedalia (54). The first general law for

- (49) See Appendix.
- (50) Laws 1842-43, P 168. Laws 1852-53, P 230.
- (51) Laws 1844-45, P 158.
- (52) Laws 1848-49, P 298.
- (53) Laws 1860-61, P 236.
- (54) Laws 1863, P 456.

the incorporation of towns had provided for a twelve months residence. All of the towns having the longer term were, with the exception of Sedalia, among the first towns established in Missouri. It may be possible that these towns were incorporated under the general law and the same provision retained when they were chartered by special laws.

The charters of Princeton (55), Trenton (56), and St. Francisville (57) provided that those that were qualified to vote for state officers and had resided in the city one month should be entitled to vote for city officials.

In comparatively few towns was a tax requirement made, - only twenty-~~six~~ towns and cities having the requirement at any time during this period. In practically every case it was required that the voter must have paid a city or town tax or any city tax or license. The La Grange charter provided that the voter must have paid "all city taxes assessed against him or any city license".(58)

- (55) Laws 1854--55, P 109.
- (56) Laws 1856-57, P 350.
- (57) Laws 1859-60, P 295.
- (58) Laws 1854-55, P 361.

In Kansas City qualified voters were first those who were qualified by the state constitution and second those who had resided six months in the city, one month in the ward, and had paid all poll taxes for which they were liable. (59) The Hannibal charter of 1861 required the payment of a poll tax. Other charters for the same town required the payment of a city tax or license. (60)

The charters for Huntsville (61), Pleasant

(59) The law for Kansas City reads as follows:
"All persons qualified as electors under the tenth section of the third article of the Constitution of the State of Missouri, or who shall have resided six months in the city and one month in the ward where they offer to vote, and paid all poll taxes for which they are liable shall be deemed qualified voters."

In enacting this law the legislature evidently assumed that while it could not exclude from the municipal suffrage anyone who was given that suffrage by the constitution, it could grant the franchise to persons who were not given the franchise by the constitution.

(60) Laws 1844-45, P 118; Laws 1850-51, p 326
Laws 1860-61, P 245

(61) Laws 1858-59, Vol. 2, P 199

Hill (62), and Harrisonville(63) provided that all persons having and owning property within the limits of said corporation which shall be subject to any tax under this act, shall be entitled to vote at any election held under the provisions of this act. No other qualifications were enumerated. This requirement was no doubt intended to be in addition to those enumerated in the Constitution.

#Cape Girardeau, Glasgow, St. Genevieve, Jefferson City, and Arrow Rock allowed residents of the state owning real estate within the town to vote. (64) In all except Glasgow a tax must have been paid upon such property. In Jefferson City non-resident electors were limited to the election of an alderman and the law further provided that the elector should not be entitled to vote for more than one alderman on account of such non-resident owning property in different wards. (65) In Cape Girardeau a non-resident elector might vote by proxy if he so desired. (66)

- (62) Laws 1858-59, Vol. 2, P 159.
- (63) Laws 1858-59, Vol. 2, P 285.
- (64) See Appendix.
- (65) Laws 1858-59, Vol. 2, P 279.
- (66) Laws 1852-53, P 230.

The provisions regarding electors in the charters of Belmont (67), the Sedalia charter of 1861 (68), and Warrenton (69) are too indefinite to admit of classification. They only provided that the trustees "shall be chosen annually by the said inhabitants and owners". While persons qualified to vote for state and county officials who were inhabitants of the town or city could vote, it is probable that owners who were not inhabitants could also vote and possibly owners who were not qualified voters of the state.

The town of Louisiana, chartered in 1845, is exceptional in that it was made subject to the general law for towns enacted in 1835, instead of the general law of 1841. (70) Since the tax provision of the earlier law was expressly repealed by the law of 1841 and it was no doubt the intention of the legislature to have the qualifications of electors come under the general law of 1841.

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- (67) Laws 1854-55, P 208.
(68) Laws 1860-61, P 248.
(69) Laws 1862-63, P 464.
(70) Laws 1844-45, P 101.

3. SCHOOL SUFFRAGE.

The Constitution of 1820 provided for the establishment of public schools, (71) but until a much later period instruction was given largely by private schools.

In 1825 it was provided that the control and management of the schools and school lands should be vested in five trustees who were to be elected by all the free white male persons above the age of twenty-one who resided in the district and were householders or owners of real estate within the district. (72)

A statute of 1835 provided for the sale of school lands, the creation of school districts, and the organization of schools. The trustees of such districts were to be chosen, not by the property owners, but by the qualified electors residing within the district. (73)

The state legislature made rather elaborate provisions for a public school system in 1838-39.

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- (71) Article 6, Section 1.
 - (72) Revised Statutes 1825, P 719.
 - (73) Revised Statutes 1835, P 567.

The directors of each school district were to be elected by the free white male persons over voting age who resided within the district and who were householders or freeholders therein or had been assessed the same year or preceding year to pay taxes within that district. A person, not able to comply with the above requirements, might vote if he had charge as parent or guardian of a white child or children between the ages of six and eighteen years or had charge, as master, of an apprentice.(74)

The public school system was of little importance until 1853 when the state began to make appropriations for its support. In this act the voting qualifications are the same as those provided in the act of 1839, except the minor change which permitted persons who could not qualify under the property or tax requirement to vote if they had children between the ages of five and twenty instead of six and eighteen. (75)

(74) Laws 1838-39, P 139.
(75) Laws 1852-53, P 159& 164.

In 1863 an amendment passed which provided that the clause "shall have been assessed the same year or the preceding year to pay taxes therein" was stricken out (76). A voter , then, must be a freeholder or a householder or have charge of children , as a parent or guardian, between the ages of five and twenty or be master of an apprentice.

Several special acts were passed which applied only to St. Louis. In an act of 1833, it was provided that in order to vote for school directors, a person must be a free white male citizen of the United States, have resided within the city twelve months previous to the election, and must have paid a city tax. (77)

In 1849 a law was enacted authorizing the city of St. Louis to collect a certain tax for school purposes. The act was then to be submitted to those residents of St. Louis who were owners of real or personal estate "subject to taxation by the laws of the State for county and State purposes" (78)

- (76) Laws 1862-63, P 104.
- (77) Laws 1833-33, P 37.
- (78) Laws 1848-49, P 398.

In 1857 the tax qualification which had been required of voters in the selection of school officials, was repealed. The new law provided that all persons qualified to vote for county and state officers and who had resided in the city six months and one month in the ward where they offered to vote, should be considered qualified voters at all elections for members of the Board of President and Directors of the public schools of St. Louis. (79)

A special act applying to St. Joseph was enacted in 1860. Those voting at school elections must be free white male citizens over the age of twenty-one years, who have resided within the city at least one year and who have paid a county or city tax. (80)

A law passed in 1863 provided for the organization of public schools in the city of Carondelet. It was more liberal than the general law. Persons qualified to vote for state and county officers might vote for the Board of Directors providing they had lived six months within the city,

(79) Laws 1857 - P, 490.
(80) Laws 1859 - 60, P 112.

regardless of whether they owned property or had charge of children between the ages of five and twenty. (81)

The Twenty-third General Assembly provided for the incorporation of the Kirkwood School District. The qualifications for voting were made the same as those required in voting for state officers, but the voter must in addition have paid or be liable to pay a tax in the said district. (82).

In both general and special laws it seemed to be the intention of the legislature to limit the franchise to persons who were directly interested in the school system,- persons having children of school age and those who paid taxes for the support of schools were recognized as having the right to control school matters.

(81) Laws 1862-63, P 243.
(82) Laws 1864-65, P 170.

4. THE FRANCHISE FOR MISCELLANEOUS PURPOSES.

In the matter of locating the seat of permanent government within the counties a different rule was prescribed than that regulating the election of State and county officers. In 1826 a law was passed by the legislature fixing this course of procedure. After the selection of the place had been made, the question was submitted to the free white male taxable land- or householders of the county for approval. (83)

This general rule was not universally adhered to. In the acts providing for the location of the seat of government in Bates (84), McDonald (85), and Achison (86) counties the qualifications were the same as those prescribed for the election of state officers. In an act authorizing the location of the county seat of St. Clair county (1841) the requirements were the same as

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- (83) Laws 1826-27, P 24.
 - (84) Laws 1844-45, P 211.
 - (85) Laws 1852-53, P 377.
 - (86) Laws 1855-56, P 53.

those prescribed for the election of state officers except that the residence in the county need be for only one month. (87)

Free white male taxable inhabitants over twenty-one were allowed to vote on the question of changing the location of the county seats of Buchanan (88), Oregon (89), and Shannon(90) counties.

In 1846 the legislature passed a law permitting the city of St. Louis to borrow money and subscribe for stock to any company incorporated for the purpose of constructing a railway from St. Louis to a point in Illinois opposite St. Louis. The tax necessary to raise the money could not be levied unless approved by the qualified voters of the city who owned "real estate therein, or who are holders of leases in said city and pay taxes on the property leased" (91)

In order to allow St. Joseph to buy stock in railway companies the city's charter was amended so that a special tax might be levied for that first purpose. This tax must be submitted to a vote

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- (87) Laws 1840-41, P 48
 - (88) Laws 1844-45, P 215
 - (89) Laws 1858-59, P 3856
 - (90) Laws 1858-59, P 385
 - (91) Laws 1846-47, P 348.

of the taxable inhabitants of the city. (92)

The nineteenth General Assembly enacted a law providing for the construction of certain roads in Boone County. The cost of locating and building these roads was to be met by a special tax to which the assent of a majority of the tax-payers was necessary. (93)

In 1859 a change in the tax rate of Cape Girardeau was authorized providing that it was approved by a majority of the tax paying voters at their municipal election .(94)

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- (92) Laws 1856-57, P 256. In 1859 this was changed so as to permit only owners of real estate to vote on such propositions.
(93) Laws 1856-57, P 230.
(94) Laws 1858-59, * 309.

CHAPTER IV.

THE PERIOD OF RECONSTRUCTION

1865 - 1875.

1. THE CONSTITUTION OF 1865 AND ITS AMENDMENTS.

An act calling a Constitutional Convention was passed by the General Assembly February 13, 1864. This convention was called for two main purposes , - the emancipation of slaves and the consideration of "such amendments to the constitution of the State as may be by them deemed necessary to preserve in purity the elective franchise to loyal citizens". (1)

The Convention assembled in the Mercantile Library building in the city of St. Louis on Friday January 6, 1865. Arnold Krekel of St. Charles was elected president. (2) Mr. Charles Drake of St. Louis was elected vice-president; and because of his activity in pushing through measures desired by his party in the convention, the Constitution is frequently referred to as "The Drake Constitution".(3)

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- (1) Journal of Missouri State Convention 1865-P 6.
 - (2) Ibid - P 9.
 - (3) Switzler - History of Missouri P 453.

On Tuesday , January 10, a motion was made that a committee of seven be appointed to consider all resolutions concerning the franchise and the disfranchisement of rebels. In accordance with this resolution the committee was appointed, Mr. Bonham being made chairman. (4)

A resolution was then proposed declaring that any person who had, either directly or indirectly, taken part in war against the United States and the State of Missouri, or had in any way enrolled himself as a Southern sympathizer should never be allowed to vote at any election within the State. If the person, since giving aid, comfort or countenance to the enemies of the United States, had served at least one year in the Army or Navy of the United States or in the Missouri State Militia and had received an honorable discharge therefrom or was still in that service, he should be permitted to vote in spite of his past disloyalty.

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A second section of the resolution proposed that in 1876 the question of granting the elective franchise to the negro should be referred to the voters and if a majority of them favored such a proposition, negroes and mulattoes should be thereafter deemed qualified voters as provided in the case of white men in the preceding section. (5)

The next resolution proposed that after the first of April, 1865 no person should be allowed to vote unless he had paid his taxes for the preceding year. Failure on the part of the assessor to assess the voter would not ~~debar~~ him from voting if he could prove that the assessor neglected to place him on the book. (6) The resolution was referred to the Committee on Franchise.

A very drastic measure was submitted by Mr. Bonham and referred to the appropriate committee. (7) Since Mr. Bonham was chairman of the Committee on Franchise, his proposals are found in the report of the Committee which was made a

(5) Journal of Missouri State Convention 1865 - P 20.

(6) Ibid - P 20.

(7) Ibid - Pp 20-21.

little later. This resolution would permit aliens who had declared their intention to become citizens to vote if they were otherwise qualified. Citizens of the United States who had resided in Missouri thirty days might vote for president and vice-president. The classes excluded, the oath, and the form of registration were included in the report of the Committee .(8)

On the following day an ordinance was offered providing a system of registration whereby the qualifications of voters should be determined. It was proposed that the oath adopted by the Convention in June 1862 should be administered to all persons offering to vote, but adding thereto a provision which must be subscribed to by naturalized citizens. The naturalized citizen must swear or affirm that he had not during his residence within the United States or any of the territories claimed in any way the protection of any foreign prince, potentate, State or sovereignty and particularly the state of which the appli-

(8) Journal of Missouri State Convention 1865 - pp20-21.

cant was a subject.

The ordinance further provided that every person must pay to the registering officer a fee of two dollars .(9) Since all persons must register in order to vote, this proposal virtually imposed a poll tax qualification for the exercise of the franchise.

Mr. Bonham then proposed that any section in the Constitution which contained the word "white" or "slave" should be abrogated.

On Monday, January 16, the report of the Committee on Elective Franchise was made by the chairman, Mr. Bonham. The measure proposed shows the thorough determination of the committee not to allow anyone to vote except those whose loyalty to the Union was most evident. Section 3 provided that no person would be regarded as a qualified voter "who had ever been in armed hostility to the United States or the State of Missouri" or had in any way aided the enemies of the said

(9) Journal of Missouri State Convention 1865 - Pp 23-24.

governments by contributing or sending them money, goods, letters, or information; or had advised anyone to enter the service of the enemy or had expressed a desire for their victory over the United States; or had, except under overpowering compulsion, submitted to the authority of the so-called Confederate States of America. No person should vote who had ever been connected in any way with any order or organization the purpose of which was to promote rebellion against the United States or to encourage the dissolution of the Union or to oppose the government of the State of Missouri; or had ever engaged in guerrilla warfare or countenanced anyone so engaged; or who had left the state in order to escape service in the military forces of the United States; or who had ever, to escape service in the militia, enrolled himself as a disloyal Southern sympathizer; or who after having voted at an election or held any office in the United

States, had claimed the protection of any foreign power in order to escape military service. The persons mentioned in the foregoing section were also excluded from holding office and performing certain professional duties.

The voter must be registered at least ten days before the election but until such a system of registration was established every person offering to vote was required to take a vote stating that he had never done, directly or indirectly, any of the acts specified and that he would bear true faith and unqualified allegiance to the United States and defend the Union against all enemies and that he would support the Constitution of the State of Missouri. The taking of this oath was not deemed conclusive evidence of the right of the person to vote but might be disproved.

The same section as is found in the 1820 constitution regarding bribery to procure election or appointment to office was included in this resolution.

The report also corresponded with the Con-

stitution of 1820 in providing that no officer, soldier, seaman, or marine in the regular army or navy of the United States should be entitled to vote at any election within the state.

No person who should make or become directly interested in any bet or wager depending upon the result of any election was allowed to vote.

Every white male citizen of the United States over the age of twenty-one, not disqualified under any of the preceding sections might vote providing he had been a resident of the State for one year and the last sixty days in the county, city, or town in which he offered to vote; and he could vote in no other district than that in which he resided.

For the purpose of voting no person was deemed to have gained or lost a residence while employed in the service of the United States nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while kept at any poor house or other asylum at public expense, nor while confined in any public prison.

The General Assembly might make provisions for allowing qualified voters absent from their places of residence on military duty to vote in any election taking place during their absence.

A person guilty of any of the acts mentioned in Section 3 regarding disloyalty to the United States and to the State of Missouri but who, after the commission of such acts, voluntarily entered the military service of the United States and had been honorably discharged therefrom and after the discharge had proved himself a loyal citizen might be relieved from such disability. A judicial process was prescribed for determining his loyalty, after which the court might issue a decree removing such disqualification. If, after the decree had been granted, the person again proved disloyal, a second decree could not be granted. The person so relieved by the court was not freed from taking the oath required of regularly qualified voters.

After a certain date (to be determined by the Convention) the General Assembly might

repeal sections three, five, and six so far as they related to the qualifications of voters. After another date, also to be determined by the Convention, the General Assembly might wholly suspend or repeal those sections and others. The proposed act also provided that the General Assembly should have power at any time, to remove such suspension or repeal or reinstate the provisions suspended or repealed in full force and effect as a part of this Constitution. The law further provided that "Every suspension or repeal made in pursuance of this section shall be general in terms, and not in any case in favor of any named person, but the General Assembly may except from the benefit of such suspension or repeal any person or class of persons it may see fit".(10)

The General Assembly was given the power to exclude from the right of suffrage any persons convicted of bribery, perjury, or other infamous crimes.

The last section provided that in the year 1870 an election should be held regarding the admission of the negro to the exercise of the franchise. If the vote of the people was against

(10) Journal of the Missouri State Convention 1865
Dec. 24, P 38.

such admission, the question should again be submitted in 1876. If the proposition was again rejected, the General Assembly might provide for its submission at the general election. (11)

For a number of days after the reading of these proposals the committee of the whole reported that it had the article on Elections and Qualifications of voters under consideration but had come to no conclusions. (12)

On February 2 Mr. Drake presented a petition signed by ninety-four colored citizens of St. Louis asking that the convention admit them to the right of suffrage. (13)

This was followed by a general discussion of the right of the Committee on Franchise. Substitutes were offered for some of the sections but no conclusions were reached. (14) The substitute offered by Mr. Greene excluded practically the same

(11) Journal of Missouri State Convention 1865- Pp 35-39.

(12) Ibid - Pp 57-58.

(13) Ibid - P 62.

(14) Ibid P 77.

classes of persons, but the measure was worded in more general terms. He proposed to give to the General Assembly power to provide by law for the "admission to the privileges of an elector, such male persons of African descent (and no others) as were residents of this State on the 11th day of December 1865, or as thereafter may have been born in this State, with such reasonable qualifications as they may by law prescribe", but such provision must be ratified by the people.(15)

Mr. Gilstrap offered a substitute measure which was in all essentials the same as that reported by the Committee. He would exempt from the operation of the act all persons who prior to June 10, 1862 had taken the benefit of any proclamation of pardon or of amnesty issued under the authority of the President of the United States or of the Governor of Missouri or under any ordinance of her convention and who had thereafter kept the conditions of such amnesty. (16)

Mr. Owens wished to amend the act by specifically mentioning in the oath all acts for which persons were disqualified, but this was rejected. (17)

(15) Journal of Missouri State Convention 1865- Pp91-2.
This measure was later rejected. P 192.
(16) Ibid - Pp 134-135.
(17) Ibid - Pp 138-139.

The proposal in regard to voting was made in a provision for putting the constitution into operation. At the election called for adopting or rejecting the Constitution, no person should be allowed to vote who had not taken the oath prescribed by the Constitution rather than the one prescribed under the ordinance of June 10, 1862. (18)

On March 24 the report of the committee was taken up and debated. Minor amendments were suggested, and some changes in the wording of sections were made. (19)

It was decided that January 1, 1871 should be the date after which the General Assembly might, by a majority vote, suspend or repeal the parts of the article disqualifying persons for disloyal acts in so far as they applied to voting qualifications. January 1, 1875 was fixed as the date after which the sections might be wholly suspended or repealed. (20)

Mr. Grekel offered an amendment which

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- (18) Journal of Missouri State Convention 1865 - P 176.
(19) Ibid - P 181.
(20) Ibid - P 186.

would make eligible for voting those persons who had declared their intention of becoming citizens of the United States at least six months before offering to vote. Such persons must be otherwise qualified according to the provisions of the proposed article. No person of color, however, should be entitled to become a voter unless he was a resident of the State on January 11, 1865, or was thereafter born therein, "nor unless such person of color shall at the time of registration, or his offering to vote, be able to read and write, and be of good moral character; which facts must be established before account of this State, having a seal; which court on being satisfied that the applicant possesses the qualifications aforesaid, shall grant him a certificate thereof, from which several qualifications, except that of good moral character; soldiers who shall have served, or may now be serving, or may thereafter enlist in the armies or navies of the United States, and have been honorably discharged therefrom, shall be exempt; and provided further, that no person of color shall vote prior to the 11th day of January 1872". The General Assembly was to provide for the submission of the above question at the general election of 1870. If a majority of the voters favored the proposition negroes should be entitled to vote subject to the restrictions mentioned in this section. (21)

It was then proposed to include this amendment in the constitution without submitting it to a popular vote, but this was rejected. (22) A proposal was made to strike out the provision regarding military service but this also was rejected. (23) Other amendments were suggested but finally the entire proposal of Mr. Krekel was rejected.

Another amendment, substantially the same as that reported by the Committee regarding the granting of the franchise to the negro, was proposed by Mr. Strong. Mr. Falmsbee wished to amend the amendment by providing that such an act should not be put into operation before 1875. (24) This was rejected.

Two substitute amendments for the amendment offered above were rejected. (25)

It was then proposed that the subject of negro suffrage be indefinitely postponed, but the motion was withdrawn. (26) It seems that the Convention, radical as it was in its personnel,

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- (22) Journal of Missouri State Convention 1865 - P 187.
(23) Ibid - P 188.
(24) Ibid- 189.
(25) Ibid - P 190.
(26) Ibid - P 193.

was unable to come to any conclusion regarding negro suffrage.

Mr. Green next offered an entire article as a substitute for the one reported by the committee. The qualifications for voting did not differ materially from those required in the original article. It omitted all reference to the subject of negro voting and fixed the time after which the General Assembly might remove the disabilities provided by the article at two years after the conclusion of peace. The motion was laid on the table. (27)

Mr. Bonham proposed a new section under which persons being otherwise qualified might vote if they had declared their intention to become citizens of the United States. (28) This was rejected.

Mr. Gilstrap also offered a substitute for the article proposed by the committee. It was somewhat more liberal in one respect. All who had committed any of the disloyal acts men-

(27) Journal of Missouri State Convention P 193.
(28) Ibid - Pp 192-193.

tioned, but had taken advantage of any amnesty issued under the authority of the President of the United States or the Governor of the State of Missouri and who had faithfully kept the conditions thereof, were allowed to vote. (29)

On the following day, March 29th, Mr. Green offered a substitute measure. It permitted persons who had declared their intention to become citizens to vote. Otherwise few changes were made. (30)

The article on the Right of Suffrage being taken up for general discussion, Mr. Strong proposed that every person who had become a qualified voter prior to January 1, 1870 should in addition to other qualifications, be able to read and write before he should become a qualified voter. (31) To this an amendment was accepted

(29) Journal P 192-193.

(30) Ibid - P 195 - Mr. Bush wished to substitute the words "since the 17th of December 1861" for "has ever", found in the third section. It was maintained that the words "has ever been in armed hostility" violated the amnesty issued by the Governor and endorsed by the President. The proclamation was issued August 3, 1861 and expired December 17, 1861.

(31) Ibid p. 199.

"excepting only those who are perverted, by a physical disability, from complying with this requisition." (32) The date was changed to

1876. (33)

The amendment regarding the reading and writing qualification was next adopted. (34)

Another attempt was made to admit to the franchise aliens who had taken out their first papers not less than twelve months before they offered to vote. (35) This was adopted. Later, it was amended to read "who had declared his intention not less than one year nor more than five years before he offers to vote" (36)

The article was finally engrossed. After the bill was reported back from the engrossing com-

(32) Journal of Missouri State Convention p 200.

(33) Ibid - P 200. After so many substitutes and amendments had been offered, one can sympathize with Mr. Barr when he offered to amend the amendment to the amendment by striking out "1876" and inserting "1900" and after the words "read and write" add the "Hebrew language and own two thousand dollars worth of property in real estate".

(34) Ibid - p 201.

(35) Ibid - P 201.

(36) Ibid - P 202.

mittee, an attempt was made to strike out the section permitting aliens to vote but this was rejected. (37)

Several minor changes were made in the wording of the article. (38)

On Monday, April 3, the bill was offered to be enrolled as a part of the constitution. (39) Even then a substitute measure was offered by Mr. Smith providing for the disfranchisement of disloyal persons but it was rejected. (40)

The measure, as finally adopted, read as follows:

" Section 3. At any election held by the people under this constitution or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter, who had ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State; or has ever given aid, comfort, countenance, or support to persons engaged in such hostility; or had ever, in any measure, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them or by unlawfully sending within their lines, money, goods, letters, or information; or has ever disloyally held communication with

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- (37) Journal of Missouri State Convention P 211.
 - (38) Ibid - p 212
 - (39) Ibid - P 216
 - (40) Ibid - P 217.

such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever except under overpowering compulsion, submitted to the authority, or been in the service of the so-called "Confederate States of America"; or has ever left this state and gone within the lines of the armies of the so-called "Confederate States of America", with the purpose of adhering to said states or armies; or has ever been a member or connected with any order, society or organization inimical to the Government of the United States, or to the Government of this State; or has ever engaged in guerrilla warfare against the loyal inhabitants of the United States, or in that description of marauding commonly known as "bush-whacking"; or has ever knowingly and willingly harbored, aided, or countenanced any person so engaged; or has ever come into or left this state, for the purpose of avoiding enrollment in or draft into the military service of the United States; or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself or authorized himself to be enrolled, by or before any officer, as disloyal, or as a Southern sympathizer, or in any other terms indicating his disaffection to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or having ever voted at any election by the people in this State, or in any other of the United States, or in any of their territories, or held office in this State, or in any other of the United States, shall thereafter have sought or received, under claim of alienage,

the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State or in the army of the United States, nor shall any such person be capable of holding in this State any office of honor, trust or profit under its authority, or of being an officer, councilman ----- --But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person, shall be considered as taken in such sense."

The General Assembly was given power to provide for a system of registrations and no-one could vote whose name was not recorded.

"Section 5. Until such a system of registration shall have been established every person shall, at the time of offering to vote, and before his vote shall be received, take an oath in the terms prescribed in the next preceding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote, or to be registered as a qualified voter. The taking thereof shall not be deemed conclusive evidence of the right of any person to vote, or to be registered as a voter; but such right may, notwithstanding, be disproved.

"And, after a system of registration shall have been established, all evidence for and against the right of any persons as a qualified voter shall be heard and passed upon by the registering officer -----; but no such vote shall be received unless that party offering it take, at the time, the oath of loyalty hereinafter prescribed".

"Section 6. The oath shall be in the following terms: 'I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the second article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof, as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown under any circumstances if in my power to prevent it; that I will support the Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me!'"

"Section 15. Whosoever shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment to any office, shall be disqualified for any office of honor, trust, or pro-

fit under this State; and whosoever shall give or offer any bribe to procure the election or appointment of any other person to any office shall, on conviction thereof, be disqualified for a voter, or any office of trust, honor, or profit under this State, for ten years after such conviction."

"Section 16. No officer, soldier, or marine in the regular army or navy of the United States shall be entitled to vote at any election in this State."

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"Section 17. No person who shall make, or become, directly or indirectly, interested in, any bet or wager depending upon the result of any election, shall vote at such election.

"Section 18. Every white male citizen of the United States, and every white male person of foreign birth who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, and who is not disqualified by or under any of the provisions of this Constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last sixty days of that period shall have resided in the county, city, or town where he offers to vote, or seeks registration as a voter, shall be entitled to vote at such elections for all officers, State, county, or municipal made elective by the people; but he shall not vote elsewhere than in the election district of which he is at the time resident; or, after a system of registration of votes shall have been established in the election district where his name is registered except as provided in the twenty-first section of this Article."

Section 19. After the first day of January, one thousand eight hundred and seventy-six, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required, be able to read and write, in order to become a qualified voter; unless his inability to read and write shall be the result of a physical disability."

"Section 20. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student in any seminary of learning; nor while kept at any poor house or other asylum at public expense; nor while confined in any public prison."

"Section 21 made provision for allowing those in military service to vote elsewhere than in the district in which they lived. The same oath of loyalty was required of them.

Section 23. "Any person who may at any time have done any act which, under the third section of this Article, has disqualified or may disqualify him as therein expressed, and who shall, after his commission of such act, have voluntarily entered the military service of the United States and have been honorably discharged therefrom, and after such discharge, have demeaned himself in all respects as a

loyal and faithful citizen, may be relieved from such disqualifications." The rest of the section recites the process by which the voter might be relieved from such disqualifications.

Section 24. "After any person shall have been so relieved by the decree of the Circuit Court, he shall, in order to vote, or hold any of the offices, positions, or trusts, or exercise any of the privileges or functions hereinafter specified, take the oath of loyalty aforesaid, except the part thereof which refers to the third section of this Article and to the past acts or loyalty of the person taking the oath."

Section 25. provided that after January 1, 1871, the General Assembly should have the power to suspend or repeal any part of the third, fifth, and sixth sections in so far as they related to the qualification of voters. "The General Assembly shall have the power, at any time, to remove any such suspension or repeal, and reinstate the provisions suspended or repealed in full force and effect as a part of the Constitution. Every suspension or repeal made in pursuance of this section shall be general in its terms, and not in any case in favor of any named person; but the General Assembly may except from the benefits of such suspension or repeal any person, or class of persons it may see fit".

Section 26. "The General Assembly shall provide for the exclusion from every office of honor, trust, or profit within this State, and from the right of suffrage, of any person convicted of bribery, perjury, or other infamous crime. (41)

(41). Constitution of Missouri 1865. Art. 11.

The distinguishing feature of the 1865 Constitution is the disenfranchisement of all Southern sympathizers. Each of the leading members of the Convention seemed to have some form of disfranchising section to offer and they disagreed only upon the form the article should take.

Radical as was the mood of the Convention in this regard, no provision is found in the Constitution regarding negro suffrage. Even proposals for submitting the question to a popular vote at a later date were defeated. It was not until after the submission of the federal amendment to the states for ratification that this feature was included in the Missouri Constitution.

A proposal making a tax qualification for voting was defeated. At a later date the Convention also refused to accept a proposition requiring the payment of a poll tax by all persons offering to vote.

The educational test seems to have caused little comment. It was introduced at a com-

paratively late date and was included in the report of the committee without much debate.

When the Constitution adopted is compared with that of 1820, it is found that several changes had been made aside from those due to the Civil War. Under the Constitution of 1820, only citizens of the United States were allowed to vote. Due largely to the influence of Messrs. Bonham, Krekel, Green, and Bush, aliens who had declared their intention to become citizens of the United States not less than one year nor more than five years preceding any election, were allowed to vote. (42) Perhaps the Convention was influenced to some extent by the fact that, speaking generally, the alien population had been loyal to the Union. Encouragement to the foreign element to settle within the state by granting them political privileges probably was not so prominent a motive as it was in the Southern states.

(42) It is interesting to note that of the men who were instrumental in securing the passage of this provision, three were of foreign birth. Mr. Bonham was a native of England, Mr. Bush of Austria, and Mr. Krekel of Prussia.

The residence qualifications of one year in the state and three months in the county or district were changed to one year in the state and sixty days in the county, city, or town.

Sections 15 and 26 of the Constitution of 1865 are practically identical with the fifteenth and fourteenth sections of Article III of the 1820 Constitution. These sections refer to disqualification for crime. Section 16, excluding from the franchise soldiers and marines in the regular army or navy is the same as the proviso in Section 10, Article III, of the Constitution of 1820.

The pre-election contest which followed the completion of the Constitution was one of great bitterness. Although the war was practically over the State was by no means in a peaceful condition. Military forces were still stationed in many counties to hold in check guerrilla bands. Thousands of voters could not vote on the question of the adoption of the Constitution, for only persons qualified under Article II of the new Consti-

tion were allowed to vote. Only 85 478 votes were cast at the election, and the Constitution was adopted by a majority of only 1 862. (43)

The administration of the law also caused a great deal of dissatisfaction. In December 1866 a movement was set on foot, led by prominent Republicans, which had for its object universal amnesty and universal enfranchisement. These proposals soon became state issues. (44)

On March 11, 1867 a joint resolution provided for the submission of an amendment to the Constitution which should strike out the word "white" wherever found in the eighteenth section of the second article. (45) When this amendment was under consideration in the House, it was proposed that the word "male" should also be stricken out, thus granting the franchise to women as well as to negroes. This was rejected by a vote of 39 - 51. (46) At the general election in the following year the proposed amendment was defeated by a majority of 18 817. (47)

- {43} Switzler - History of Missouri - Pp 459-460.
- {44} Ibid - Pp 559-460
- {45} Laws 1867 - P 12.
- {46} Switzler - History of Missouri- P 461.
- {47} Ibid - P 464.

The General Assembly meeting in 1868 passed a more rigid registry law. The Supreme Court of the United States had declared the test oath unconstitutional and stringent enforcement of the famous Third Section created widespread dissatisfaction among the conservative class. (48)

On March 1, 1869 the legislature ratified the Fifteenth Amendment to the federal constitution providing that the right to vote should not be abridged on account of color, race, or previous condition of servitude. (49)

The General Assembly which met in 1870 also ratified the Fifteenth Amendment. (50) A number of amendments to the state constitution were proposed at this session, one of which abolished the oath of loyalty for voters and struck out the word "white". The first section provided that "every male citizen of the United States and every person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five before he offers to vote, who is over the age of twenty-one years, who has

(48) Switzler - History of Missouri - P 464.

(49) Laws 1869

(50) Laws 1870- P 502. Jan. 10, 1870. The federal amendment was declared a part of the Constitution on March 30, 1870.

"resided in this State one year next preceding his registration as a voter, and during the last sixty days of that period shall have resided in the county, city, or town where he seeks registration, who is not convicted of bribery, perjury, or other infamous crime, nor directly or indirectly interested in any bet or wager, depending upon the result of the election for which said registration is made, nor serving at the time of such registration in the regular army or navy of the United States, shall be entitled to vote at such election for all officers, State, county, or municipal, made elective by the people, or any other election held in pursuance of the laws of this State; but he shall not vote elsewhere than registered, except as provided in the 21st section of the second article of the Constitution. Any person who shall, after the adoption of this amendment, engage in any rebellion against this State or the United States, shall forever be disqualified from voting at any election".

The second section provided that all persons desiring registration should take an oath to support the Constitution of the United States and of the State of Missouri in lieu of the one required in Section Six. (51)

This amendment was adopted at the general election in 1870 by a majority of 111 360. (52)

(51) Laws 1870 - P 503. This Amendment was proposed before the Fifteenth Amendment became a part of the Constitution of the United States. It was passed by the Senate Feb. 23, 1870. See Senate Journal P 368.
(52) Switzler - History of Missouri- P 465.

1865 - 1875.

2. THE CONSTITUTION AND THE COURTS.

The constitutionality of the sections disqualifying all Southern sympathizers was tested in the case of Blair v. Ridgley. (53) The plaintiff brought suit against the defendants, judges in an election November 7, 1865, for rejecting his vote. The plaintiff offered to take a certain oath, but not the one prescribed by the Constitution. It was contended that the third section of the Second Article of the Constitution was void because it violated those sections of the Constitution of the United States which prohibit the states from passing bills of attainder and ex post facto laws. They asserted that the said section was really a disfranchisement of individuals and the disqualification attached to them as individuals and not to the circumstances in which they stood; that, under the pretense of determining the qualifications of voters, it actually promulgated a sentence of severe punishment against a large and innocent class of individuals who were

(53) 41 Mo. 63.

described as plainly as if they had been specifically named; that the action was not only a penal ordinance, but a retroactive penal ordinance; that in so far as it was a penal ordinance, it was a bill of attainder, and in so far as it was a retroactive ordinance it was an ex post facto law.

Judge Wagner delivered the opinion of the court. He pointed out the difference between English bills of attainder and the section in question, the former referring to the parties by name and directly affecting those against whom they were aimed, and not having universal application.

In answer to the argument that the case of *Cummings v. State of Missouri* was decisive in this case, the justice pointed out that that decision proceeded on the idea that the right to pursue a calling or profession is a natural and inalienable right and to deprive one of this right on account of past conduct is inflicting a punishment and is therefore void. A person receives the franchise upon entering the social compact, subject to

such qualifications as may be prescribed. The right to vote is not a vested right. The judge called attention to the fact that Judge Field in the Cummings case refrained from including the right to vote when he enumerated the classes to which the oath extends which he considered in violation of the federal constitution.

In framing a constitution, Missouri was limited only by the federal constitution. This constitution declared that all power resided in the people, meaning by the word people the qualified voters. The very first act in the formation of the State government was to exclude from the electorate negroes, women, and children. There is no restraint placed upon this power by the federal government; and since all power not delegated to that government is reserved to the states and to the people, this power must reside in the state. When the people in 1865 adopted a new constitution, they were exercising their exclusive right to regulate the internal affairs of the State and had the right to make certain require-

ments of those who were to exercise the franchise. The argument that an oath of loyalty is not valid because it cannot be attained by all is not valid. Restrictions as to race might on the same grounds be held invalid. The framers of the Constitution evidently thought it unwise to entrust the ballot to those who had been in hostility to the government of the United States and of the state. "The principle of the provision in the Constitution is involved in the power, and flows from the duty of the State to protect itself, that is the welfare of the people. It proceeds upon the distinction between laws passed to punish for offenses, in order to prevent their repetition, and laws passed to protect the public franchise and privileges from abuse by falling into unworthy and improper hands". The power to preserve the general good is inherent and supreme, and the law in question must be deemed to have been passed with such intention.

In *State ex rel v. Brassfield* the restriction feature of the 1865 Constitution was upheld. The Court held that it mattered not if a citizen possessed every other qualification: he was not a voter unless his name appeared upon the registration books. (54)

(54) 67 Mo. 331.

The law for St. Louis provided that the voter must reside in the election district in which he offered to vote. A man named Gareshe' asked to be registered in the Fifth ward where he had always voted. He admitted that he did not reside there, but that it was inconvenient for him to register in the precinct of his domicile. The defendant in the case refused to register him or enter his name as a "rejected voter". The court held that the requirement of registration was to be regarded as cumulative upon the requisite of residence and not as an entirely independent provision. The Constitution does not define districts but does require that where such districts have been established by law, voters shall vote in the electoral districts of which they are residents and in which they are duly registered voters. (55)

In an election held for the office of Judge of the Buchanan County Court of Common Pleas, no registration of voters took place. The election was

held under a law of 1853 which provided for such election(56)But it was held by the Court ,that the registration requirements applied to special as well as general elections. (57)

A certain Mrs. Minor asked to be registered as a voter. Upon the refusal of the defendant to register her, she brought suit against him, denying the validity of the clause "every male citizen of the United States ----- shall be entitled to vote". She based her claim to vote upon the Fourteenth Amendment of the Constitution of the United States which declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The plaintiff maintained that the elective franchise is a privilege within the meaning of that section and that the subject of suffrage is remitted to the States to be regulated by them

(56) Laws 1853 - P 78.

(57) 44 Mo. 346. 44 Mo. 346

and that the States have no right to restrict it. There can be no division of citizenship. Women as citizens of the United States are entitled to all the obligation or to none. To make the enjoyment of a right dependent upon an impossible condition is equivalent to the absolute denial of the right.

The Court held that the Fourteenth Amendment did not apply in this case, showing that, prior to the adoption of that amendment, the various states in the Union had a right to limit the right to vote, by their constitutions and laws, to the male sex. The right to vote was not one of the "privileges and immunities" guaranteed under the Fourteenth Amendment. This amendment did not create new privileges, - it merely extended those already recognized to the negro. Moreover, in the second section of the same amendment the right to restrict the franchise to the male inhabitants is clearly recognized. It states that if the right to vote - ----- is denied to any of the male inhabitants of such state etc., evidently anticipating that the states would exercise the right of restricting the franchise to members of the male

sex. (58)

The decision of the Court was upheld by the
Supreme Court of the United States (59)

(58) Minor v. Happersett 53 Mo. 58.

(59) 21 Wall. (U.S) 162.

1865-1875.

3. SPECIAL ~~ACTS~~ FOR TOWNS AND CITIES.

The Revised Statutes of 1865 made a change in the general law for the incorporation of towns by making the qualifications for the exercise of the franchise identical with those prescribed by the Constitution of 1865. These included residence for sixty days within the city or town.(60) Any-one offering to vote for city officials must be able to take the prescribed oath of allegiance, be a citizen of the United States, or have declared his intention of becoming a citizen not less than one year nor more than five years before the election, be at least twenty-one years of age and have resided in the state for one year and in the city sixty days. (61)

Since special legislation was not forbidden, a number of special acts for towns and cities were passed between 1865 and 1875. Practically all of them were amendments to charters previously

(60) Revised Statutes 1865, Chap. 41, Sec. 25, P 243.

(61) The oath of allegiance was not required after 1870.

granted or were substitutes for such charters. As a whole few additional voting requirements were made and a number of charters previously granted were amended so as to conform to the constitutional and statutory provisions. It is necessary only to consider those acts in which additional qualifications were made.

In some instances the term "citizen" was used (62), in others an expression such as "citizens of Sedalia" (63) but such expressions must be interpreted so as to include those who had declared their intention to become citizens. The charters of Linneus and Jackson, however, stated explicitly that the voters must be citizens of the United States. (64) Since these provisions were clearly in conflict with the Constitution, it is very probable that no attempt was made to enforce them. Considering the looseness with which the charters were framed, it is doubtful if the inconsistencies were noticed by the legislature or the framers of the charters.

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- (62) e.g. Bethany Laws 1869, P 93.
 - (63) Laws 1870 - P 435.
 - (64) Linneus - Laws 1868 - P 222.
Jackson - Laws 1871-72 - P 387.

The residence requirements ranged from one year to two months, although those differing from the constitutional provision of sixty days are clearly invalid. The charters for Cape Girardeau and Jefferson City provided for a city residence of twelve months. (65) The same provision had been found in the Cape Girardeau charter of 1863, (66) and that of Jefferson City passed in 1839. (67)

^{thirteen}
~~fourteen~~ towns and cities had a six months residence requirement. In many instances this feature was carried over from an earlier charter. The residence qualifications for Kansas City were changed several times during this period. The charter enacted in 1866 provided that persons qualified by law "residing the last twelve months in the State and three in the city or who had resided the last months in the city prior to the election" were qualified voters. (68) It would seem that one might vote without having resided a year in the state, as provided by the Constitution. (69) This apparent conflict assumed no importance for in the following year the charter was amended and the residence re-

(65) Cape Girardeau Laws 1871-2-P 387. Jefferson City Ibid P 389.

(66) Laws 1862-3-P 81. (67) Laws 1838-9-P 306

(68) Laws 1865-6 - The charter was also in conflict with the provisions of the Constitution which state that sixty days residence in a city is sufficient for municipal suffrage. (70) Laws 1867 - P 18.

quirement made sixty days in the city and ten days in the ward in which the elector offered to vote. (70) In 1870 the residence qualification was again changed. This charter provided that the voter must have resided six months in the city and one month in the ward.(71) No further change was made during this period.

The special acts for St. Louis required a residence of six months(72) but in 1875 an act providing for the registration of voters stated that persons otherwise qualified and who had resided sixty days in the city and ten days in the ward were qualified voters.(73)

Seven charters provided for a three months residence requirement.(74) The charter for Commerce stated that persons offering to vote must "besides being a qualified voter according to the laws of this state, be required to have been a resident of said city at least thirty days before he offers to vote".(75)

A number of these laws provided that the voter must be a resident of the ward in which he offered to vote. The elector must merely be a resident of

(71) Laws 1870 - P 327. (72) Laws 1866 - P 279; 1867 - P. 56; 1870-P458.

(73) Laws 1875 - P.338. (75) Laws 1873 -P 230.

(74) Independence, Bethany, Lexington, Trenton, Union, Sturgeon, and Kansas City.

Independence and no definite term of residence was required. (76) In eleven cities such residence was required to be one month while in four cities ten days was sufficient. (77)

In nine cities an additional qualification was made in some form of a tax requirement. In Savannah a voter must have paid a city tax or license. (78) In the city of Jefferson only owners of real estate within the city and who had paid a city tax thereon, were permitted to exercise the franchise. (79) The charters of Macon (80), Moberly (81), and Linneus (82), provided that a voter must not be delinquent in his poll or property tax. In La Grange persons offering to vote must have paid all city taxes assessed against them or any city license, (83) in Washington a town tax for the preceding year must have been paid. (84) The charter of Canton provided for the payment of all poll taxes assessed and due as a prerequisite to voting. (85) In Car-

(76) Laws 1868 P 199.	(83) Laws 1871-2 - P 417
(77) See Appendix.	(84) Laws 1873 - p 387.
(78) Laws 1868- P 226.	(85) Laws 1873 - P 208.
(79) Laws 1871-2 - P 389.	
(80) Macon Laws 1871-2 - P 436.	
(81) Moberly Laws 1873 - P 322.	
(82) Linneus- Ibid - P 305.	

thage the voter must have paid all city taxes levied and assessed against him. (86) The article providing for the payment of a tax had been incorporated in charters granted Savannah, City of Jefferson, and La Grange in an earlier period. The inclusion of such provisions in the charters again shows the result of local influence rather than any theory of property representation on the part of the members of the legislature.

(86) Laws 1875 - P 159.

4. THE SCHOOL FRANCHISE.

The Revised Statutes of 1865 omitted the section providing that in order to vote at school elections one must be a householder or a freeholder or have charge of children of school age. In 1866 an act to provide for the reorganization, supervision and maintenance of common schools was passed by the General Assembly. It provided that the directors should be elected by the qualified voters resident within the district having the qualifications of voters at State and county elections. All acts or parts of acts inconsistent with the act were repealed. (87)

The special law for St. Joseph was repealed so as to make the franchise for school purposes correspond with the general law. (88)

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(87) Laws 1865 -66 P 170.

(88) Ibid - P 209.

1865-1875.

5. THE FRANCHISE FOR SPECIAL PURPOSES.

In 1866 the provision of the St. Joseph charter providing that propositions to subscribe stock in any railway terminating at or near that city should be submitted to a vote of the taxable inhabitants was repealed, and a two thirds vote of the qualified voters was substituted. (89)

An act providing for the construction and reconstruction of streets in the city of St. Louis was enacted in 1875. Upon the petition of two thirds in interest of the property owners, the city council was authorized to call for an election and the property owners should elect five street commissioners whose duty it should be to control and superintend the work of improving the roadway. At this election all persons of either sex, owners of property were entitled to vote. "Tenants-in-common, co-parceners (and) joint-tenants shall be entitled, respectively, to vote according to their interests, computed as if held in severalty. Any persons being unable

"or unwilling to attend in person, may vote by proxy, authorized in writing, which writing shall be countersigned with the name of the person voting the same and deposited with the ballot. Trustees may vote for their beneficiaries; guardians for their ward. The person or persons in actual possession of any lot, or who pays the taxes thereon, shall be deemed owner thereof for the purposes of this act; Provided, That the possession of any tenant shall be deemed the possession of his landlord, unless such tenant be bound by a lease to pay taxes assessed against the property in question at least seven years following the date of said election." (90)

CHAPTER V.

FROM 1875 TO THE PRESENT.

1. THE CONSTITUTION OF 1875 AND ITS AMENDMENTS.

The Constitution of 1865 had been extremely unpopular with a large part of the population of the State, and among the laws passed by an adjourned session of the legislature in 1874 was one authorizing a vote to be taken for or against the calling of a convention to revise or amend the Constitution. (1) At the November election of that year the Convention was authorized by a majority of two hundred eighty three votes. (2)

The Convention met in the City of Jefferson on May 5, 1875. Mr. Waldo P. Johnson was elected to the presidency of the body. (3)

On Thursday, May 6, it was proposed that various committees be appointed, among them being a committee of seven to be called the "Committee of Electors and Elections" whose duty it should be to report what changes or amendments were necessary in the part of the constitution having to do with Electors and Elections. The motion was referred

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- (1) Laws 1874 - W
 - (2) Switzler - History of Missouri- P 476. 1875
 - (3) Journal of Missouri Constitutional Convention P11

to the Committee on Rules. (4) The measure was reported favorably by that committee; and acting in accordance with the report, the president appointed a committee composed of A.M. Alexander, M.M. Kellop, J.H. Rider, A.R. Taylor, J.T.T. Edwards, A.V. McKee, and J.F. Rucker. (5)

A petition from the Woman's Suffrage Association of Missouri was read asking that women be enfranchised. The petition stated that to deny the right of suffrage to women was a violation of the principles of American liberty. The new constitution should represent the whole state and should be broad enough to guarantee to all who bear the burdens of government a share in the benefits. The right of representation should be as broad as the taxing power. But legislation which degrades any class of citizens by limiting their powers as moral agents is more oppressive than those which effect the mere disposition of property. In a government instituted by the people no class distinctions should be permitted but "that the ballot, the symbol of self-government is to become the common property of all".(6)

(4) Journal of the Missouri Constitutional Convention 1875 - P 24.

(5) Ibid - Pp 42-9

(6) Ibid - pp 48-9.

The petition was referred to the committee on Elections and Electors. (7)

On May 8, Mr. Todd offered a resolution asking that the Committee on Elections and Electors inquire into the expediency of reporting a bill requiring that no person should vote until he had paid a poll tax of at least a dollar during the year next preceding the election. The funds from such a tax were to be appropriated for the support of the militia and the common public schools. (8)

Mr. Lockland then proposed that after 1877 every voter, if his taxable property were valued at less than \$200, should be assessed at that amount, and that he should pay, before voting, the assessed taxes imposed by law on that sum for the year in which he offered to vote, or if the tax for that year were not yet due, then he must have paid the tax for the preceding year. (9) Both of these propositions were referred to the committee.

- (7) Journal of the Missouri Constitutional Convention
1875 - Pp 48-9.
(8) Ibid - P 55.
(9) Ibid - P 56.

While the Bill of Rights was under consideration, it was proposed to include in it a provision that "no religious test or amount of property shall ever be required as a qualification for any voter at any election in this State". (10)

This was referred to the Committee on Preamble and Bill of Rights, and nothing more was heard of it.

On May 2^d a petition from the residents of Livingston County was read, asking, among other things, that no taxes should be voted upon the taxpayers by persons who paid no taxes. They asked that no city, township, or county should be permitted to issue bonds of indebtedness unless the same were imposed "by a two-thirds majority vote of the tax-payers. That tax-payers shall have a vote on questions of taxation, if minors, by Guardian, and persons of full age in person or by power of attorney, without reference to sex". (11)

This is a reflection of the burdens which were being borne by the tax-payers as a result of the reckless grant of public aid to railroads.

Another attempt was soon made to secure a tax qualification for voting. Mr. Johnson pro-

(10) Journal - P 70.

(11) Ibid - P 133.

posed that no person, although otherwise qualified, should be allowed to vote unless he had paid all taxes assessed against him for which he was legally liable to pay for the year next preceding the election at which he offered to vote. (12)

On June the fourth the Committee on Elections and Electors submitted its report and recommended that the Convention adopt the same. Section 1 provided that every male citizen of the United States and every male person who had declared his intention of becoming a citizen of the United States according to law not less than one year nor more than five years before he offered to vote, who was over twenty-one years of age and had resided in the state for a year and in the county, city, or town sixty days preceding the election, should be entitled to vote at all elections held by the people. This section was practically the same as that contained in the Constitution of 1865.

Section 6 contained rigid provisions regarding bribery in connection with elections. It disfranchised any person giving or offering money or other valuable considerations to another for his

(12) Journal P 136.

vote or withholding the same. Any person giving or promising such consideration to another for such voters' vote , or for the withholding thereof, and any voter receiving for himself or for another any valuable consideration for giving or withholding his vote forfeited his right to vote at such election. Every person making or becoming in any way interested in a bet or wager depending upon the result of any election lost the right to vote at that election and any voter, upon having his vote challenged for such cause, should be required to take an oath that the charge was untrue before his vote should be received by the election officers.

Section 8 was identical with Section 20 of Article II of the 1865 Constitution stating that no person should be regarded as having gained or lost residence for voting purposes, while engaged in the civil or military service of the United States or of the State; nor while engaged in the navigation of the waters of the State or of the United States or of the high seas; nor while a student of any institution of learning; nor while kept in a poor house or other

asylum at public expense, nor while confined in a public prison.

Section 9 provided that no person while kept at any poor house or other asylum at public expense nor while confined in any public prison should be permitted to vote at any election in the state.

Sections 11 and 12 were copied from the 1865 Constitution, the former giving the General Assembly power to exclude from the electorate persons convicted of felony. The twelfth excluded officers, soldiers, and marines in the regular army and navy.

Section 14 required that after January 1, 1880 every person who was not a qualified voter prior to that date should in addition to other qualifications, be able to read and write unless his inability to do so were the result of physical inability. (13)

In regard to the matter of votes for women the Committee reported that it was the belief of its members that if such a proposition were submit-

(13) Journal - Pp 164-165.

ted to the vote of the people at all, it should be submitted as a separate proposition. They, therefore, asked to be discharged from further consideration of the matter and asked that the subject be referred to the Committee on Separate Propositions. (14)

A motion to recommit the supplemental report to the Committee on Elections and Electors was rejected. (15)

It was then proposed that the supplemental report be again referred to the Committee on Elections and Electors with instructions to report on the desirability of submitting as a separate proposition an act permitting all widows and unmarried women above the age of twentyone who pay a school tax to vote at school elections. This motion was rejected. (16).

It was finally decided to refer the question of woman suffrage to the Committee on Separate Propositions. (17)

Several days later Mr. Switzler of Boone County offered the following resolution:

"Resolved that the question of a poll tax

(14) Journal- P 165 (16) Ibid - P 166.

(15) Journal- P 166 (17) Ibid - P 166.

Non voters be referred to the Committee on Separate Articles with instructions to report to the Convention a section for independent submission whereby a capitation tax of one dollar per annum shall be paid by each voter before voting". (18)

This motion was later withdrawn by Mr. Switzler.

Upon the rejection of an amendment to Section 6 as reported by the Committee (19), a substitute measure was proposed according to the terms of which the judges of the elections should administer such oaths to voters regarding their qualifications as might be provided by law and giving the General Assembly power to exclude from the franchise those who had "made any bet or wager on any election or as to the result thereof, or who may give, promise, or pay, or receive any money or valuable consideration, for or to influence, control, or prevent the vote of any voter". This was rejected. (20)

Section Six of the report which dealt with bribery in connection with elections, was then submitted and rejected by the Convention. (21)

Mr. Halliburton then offered the provision on this subject which was contained in the Constitution of 1865, but this resolution alone failed. (22)

(18) Journal - 216.
(19) Ibid - p 233
(20) Ibid - p 233

(21) Ibid - p 233.
(22) Ibid - p 234.

A new section stating that "no person who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election shall vote at any election" was not sanctioned by the Convention. (23)

When Section 11 was brought up for consideration, Mr. Gantt offered a substitute which combined the features of Sections 6 and 11 by providing that "The General Assembly may enact laws excluding from the right of voting all persons convicted of misdemeanors connected with the exercise of suffrage, or of felony or other infamous crime". This was adopted. (24)

On June 11, the report of the Committee on Elections and Electors as amended was referred to the Committee on Revision with instructions that this Committee report it back to the Convention at an early date. (25)

Section 12 of the report of the Committee on Education provided that if the school funds were insufficient to maintain a school for four months, the General Assembly might levy a tax on the property of the district. But, if in order to continue the school longer than four months, it should be necessary to levy an additional tax, such tax should not be collected unless a majority of

(23) Journal - P 234.

(24) Ibid - P 235.

(25) Ibid - P 238.

two-thirds of the qualified voters should vote in favor of the tax. A qualified voter within the meaning of the section was a person who in addition to the other qualifications, had paid a state tax other than a capitation tax, within the year next preceding that in which the election was held. (26) No action was taken upon the report at that time.

On July 6, Mr. Switzler again offered an article on the subject of a capitation tax which he wished to be submitted as a separate proposition. The resolution stated that no person should be deemed a qualified voter who had not paid, within the year next preceding the election or within the same year if it had become due, a capitation tax of one dollar. The money derived from this source was to be used for school purposes. The resolution was referred to the Committee on Separate Propositions. (27)

When the report of the Committee on Education was brought up for consideration, a new section was proposed allowing the General Assembly to impose a poll tax of not more than one dollar on every able

(26) Journal - P 395.

(27) Ibid - P 426.

bodied man between the ages of twenty-one and fifty, the proceeds to be used for school purposes. (28) Various amendments were made to this; the age limits were stricken out (29) and the payment of a poll tax was made a pre-requisite for voting at school elections. (30) An attempt was made to make the payment of the tax a qualification for voting at all elections within the state, but this amendment failed. (31) Finally, the entire new section was rejected by a vote of 10-27. (32)

When the report of the Committee on Taxation was under consideration, Mr. Switzler introduced an amendment to Section 13 by providing that the rates for school purposes might be increased to one dollar on the hundred dollar valuation in towns and cities and to sixty-five cents in other districts * on the condition that a majority of the voters who are tax-payers voting at an election held to decide the question, vote for said increase." (33) Two attempts were made to strike out the feature regarding tax-payers, but they were unsuccessful, (34) and the amendment as proposed was adopted. (35)

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(28) Journal - P 463.	(32) Ibid - P 465.
(29) Ibid - P 464.	(33) Ibid - P 487.
(30) Ibid - P 463.	(34) Ibid - P 487 and 592.
(31) Ibid - P 463.	(35) Ibid - P 493.

The chairman of the Committee on Separate Propositions reported that it did not favor submitting certain propositions separately because they were at variance with provisions in the Constitution and it was not thought best to have the voters choose between the two. The question of a poll tax was not a competing proposition and might well be put before the people as a separate proposition. (36)

The Committee on Revision reported the article on Suffrage and Elections on Thursday, July 29. The section concerning an educational qualification to be imposed after January 1, 1880, was omitted from the report. (37) Several minor amendments were proposed and rejected after which, upon the motion of Mr. Taylor, the article was ordered enrolled as a part of the Constitution. (38)

After some debate on Section 11 of Article X on Revenue and Taxation, the article was passed as reported by the Committee on Revision. (39) This contained the provision that "for school purposes in districts, the annual rate on property shall not exceed forty cents on the hundred dollars' val-

(36) Supplement to Journal - p 3.

(37) Ibid - Pp 22- 23. In spite of the activity of sev-

(38) Ibid - P 25. eral members in favor of a tax re-

(39) Supplement, Sat. July 31 - pp 1-5. quirement, such a requirement was not included in the report.

uation; provided the aforesaid annual rates for school purposes may be increased in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars' valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars' valuation, on the condition that a majority of the voters who are tax-payers, voting at an election held to decide the question, vote for said increase".

At the general election of 1902 this section was amended to read, "For school purposes in districts composed of cities which have one hundred thousand inhabitants or more, the annual rate on property shall not exceed sixty cents on the hundred dollars valuation and in other districts forty cents on the hundred dollars valuation: Provided, The aforesaid annual rates for school purposes may be increased, in districts formed of cities or towns, to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are tax-payers, voting at an election to decide the question, vote for said increase".(40) The amendment was adopted. (41)

The section on Suffrage as adopted reads as follows:

Section 2. " Every male citizen of the United States and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people:

First, He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second, He shall have resided in the county, city, or town where he shall offer to vote,

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(40) Laws 1901 - P 266

(41) Missouri Manual 1903-04 P 122

at least sixty days immediately preceding the election. "(42)

Section 7. "For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or of the high seas, nor while a student in any institution of learning, nor while kept in the poor house or other asylum at public expense, nor while confined in a public prison".

Section 8. "No person while kept in any poor house or other asylum at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this State." (43)

Section 10. "The General Assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of the right of suffrage." (44)

(42) Derived from Sec. 18, Art.11. Constitution 1865, as amended in 1870.

(43) The same in substance as Sec. 20, Art.21.Const. 1865.

(44) In accordance with this provision the General Assembly has provided that disqualification follows conviction of practically all felonies. Exceptions to this rule are as follows: (1) Offenses against the government and supremacy of the law(R.S. 1909, Chap.36 Art. 1); (2) certain offenses by persons in office (Chap. 36. Art.111) (3)manslaughter in the second, third, and fourth degrees, and several other offenses against the lives and persons of individuals; (Chap. 36, Art. 4); and (4) offenses against public peace and order. (chap. 36, Art. 7).

Conviction of certain misdemeanors connected with elections are also followed by disfranchisement. These may be found in Chap. 36, Art. 3 of the Revised Statutes of 1909.

Section 11. "No officer, soldier or marine in the regular army or navy of the United States shall be entitled to vote at any election in this State". (45)

No decided tendencies are noticeable in the work of the Convention in regard to the franchise. Due to the activities of a few men, chief among whom was Mr. Switzler of Boone County, various attempts were made to require some form of a tax requirement. The Convention, however, rejected all proposals except that tax-payers only were allowed to vote for certain increases in taxes for school purposes. Tax qualifications had almost entirely disappeared throughout the United States except in states where it was necessary to exclude large numbers of negroes and ignorant whites from voting.

The subject of votes for women received some consideration but the question had not yet become a vital issue throughout the country. The committees to which the proposals were referred seemed unwilling to give a definite report either for or against the resolutions.

No attempt was made to restrict the franchise to citizens and the terms of the constitution

(45) The same as Sec. 16, Art. 11., Constitution 1865.

were allowed to remain, thus permitting aliens who had declared their intention of becoming citizens, to vote . The foreign population had not become numerous enough to arouse public opinion to the point where such a provision was considered necessary or desirable.

The educational test was included in the report of the committee, to go into operation in 1880. The Committee on Revision omitted this section and its omission caused no comment on the part of the Convention.

With the omission of the oath of loyalty the provisions remained practically the same as those found in the Constitution of 1865.

Several amendments regarding voting qualifications have been submitted to the voters of the State, but have not been adopted. The first of these was proposed by the legislature in 1877 and voted upon in 1878. The proposed amendment provided for the payment of a poll tax of not less than one dollar as an additional qualification for the right of suffrage. The revenue derived from this source

was to be used for the support of the free public schools in the county in which the tax was collected. (46)

In 1912 an attempt was made to strike out the provision which made it possible for aliens to vote after having taken out their first papers, and to substitute the clause "and every male person of foreign birth who shall have become a citizen of the United States according to law by complying with all the laws of naturalization thereto"(47) The vote cast in the 1912 election showed 172,140 votes for and 378,263 votes against the proposed amendment. (48) The vote cast against the amendment does not indicate the attitude of the voters on the question. The amendment was submitted with a number of other amendments and, due largely to the unpopularity of the single tax, the whole group was rejected. The State Council of Defense will submit a similar amendment to the next General Assembly and there is little doubt but that it will be referred to the voter for ratification at the next general election.

In 1914 an amendment was submitted by means of the initiative giving women the ballot on the same terms as men. This amendment was defeated. (49)

Both of the leading political parties

(46) Laws 1877 P 422. (47) Laws 1912 P 449.
(48) Missouri Manual 1913-14 P 1109. (49) Ibid 1915-6P575.

in 1918 incorporated provisions in their platforms favoring the extension of the franchise to women. No doubt such an amendment will come before the legislature at its next session.

1875-1918.

2. INTERPRETATION OF THE CONSTITUTIONAL PROVISIONS
BY THE COURTS.

Article IVlll.

Section 2. "Every male citizen of the United States and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications shall be entitled to vote at all elections by the people.

First, He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second, He shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election. "

The case of Blair v. Ridgely is equally applicable to this section. The right to vote is not a vested right but may be granted or withheld if it is deemed expedient. (50)

A denial of the right to vote does not violate the Fourteenth Amendment. This issue was clearly set forth in the case of Minor v. Happersett (51) The same doctrine is announced in the State ex. rel. v. McSpadden. (52) Mrs. McSpadden had been elected to membership on a school board.

(50) 41 Mo. 63
(52) 137 Mo. 636.

(51) 53 Mo. 58.

The law prescribed that the office should be held by resident tax-payers who were qualified voters. It was admitted that Mrs. McSpadden possessed all the qualifications except that of sex. The Court ruled that since she did not possess all requirements, she could not hold the office. It is the right of the state to prescribe the requirements for office holding and for voting, and the exercise of this right is not a violation of the federal constitution.

The question of residence is largely one of intention. As stated by the Court "temporary absence from one's usual residence for a series of years does not necessarily cause a loss of residence. Whether a change was affected depends upon his intention." (53) "Residing and engaging in business at a particular place do not of themselves make that the domicile of the person. There must, in addition, be the mental determination of making the home there." (54)

In a contested election over the office of collector of the revenue of Cape Girardeau County, the votes of two persons were contested for want of legal residence in the country. The parties testified that they had met the constitutional requirements in that regard. It was a question of fact in which the intention of the parties largely

(53) State ex. rel. v. Banta 71 App. 32.
(54) State ex. rel. v. Dayton 77 Mo. 678.

entered and the Supreme Court would not interfere with the finding of the Circuit Court in declaring them residents. (55)

A contest over the election of a sheriff in Daviess County brought out a number of interesting cases regarding residence. (56) The legality of the votes of Orva Cook and John Pershinger were contested on the ground that they were no longer residents of the State. They had gone to another State and had not resided a year in this State since their return. There was a conflict in evidence as to whether they had ever changed residence. "No declarations of law were asked or given, or specified findings made by the Court. In such case this Court will not interfere with conclusions reached by the trial court."

The vote of Seth Sullivan was contested on the same ground. Sullivan left Missouri in August 1893, going to Oklahoma and was there at the opening of that territory to settlement. He took his family with him. He selected a claim, went upon it and plowed the land for a few days. When he went to the land office to file his claim, he found the right contested, and made

(55) Hope v. Flentge 140 Mo. 390.

(56) Langford v. Gebhart 130 Mo. 621.

and made no further effort to claim the land. He then went to Kansas, rented a house and stayed there until December 20, 1893. The family then came back to Missouri, arriving in January 1894. The family had never moved to the land selected nor into the territory. He testified that when he left the State, he intended, if he secured a homestead, to remain, if not, to return to

Missouri. The Court held that "the mere selection of a claim without securing the approval of the government and making the necessary declaration would (not) have the effect of concluding him on the question of residence. The question of intention in this case must control."

Benjamin Porterfield, a resident of Livingston County, bought and took possession of land in Daviess County, August 25, 1894. At that time he moved part of his goods and implements to the farm and began work upon it. With him were his two sons, but the rest of the family did not join him until September 10, fifty-eight days before the election. Porterfield testified that when he went to the farm, he intended it as his permanent residence. His vote was held to be legal, the fact that a part of his family and a

part of his goods were not moved for a few days not being sufficient evidence to defeat the physical act and the mental intention.

It has been held by the Courts that reasonable registration regulations do not violate this section. In State ex. rel. v. Mason (57) the validity of the law providing for the registration of voters in towns of three hundred thousand inhabitants and over, was tested. It was contended that the provision requiring voters to reside twenty days in the precinct before being allowed to vote was in conflict with the fifth section of the eighth article of the Constitution of Missouri. The Court quoting Judge Copley, held that "all such reasonable regulations of the constitutional right which seems to the legislature important to the preservation of order in elections, to guard against fraud, undue influence and oppression, and to preserve the purity of the ballot box, are not only within the constitutional power of the legislature, but are commendable, and at least some of them absolutely essential."

In reply to the argument that such a law denied to the voters of the city of St. Louis the equal protection of the laws, the Court held that equal protection means that "no person

class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and under like circumstances." The argument that this was a

special law within the meaning of the State

Constitution was also denied. (58)

Section 7. "For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or of the high seas, nor while a student of any institution of learning, nor while kept in a poor house or other asylum at public expense, nor while confined in a public prison."

Three of the cases considered in Langford v. Gebhard arose concerning this provision. C.G. Buckingham was in the regular mail service of the United States and voted in Pattonsburg in Daviess County. Before going into service he had resided with his father in Washington township in the same county. He testified that he had no permanent home but had lived at Pattonsburg, boarding at the hotel from October 25 to the date of the election. His run at that time was between Pattonsburg and Brunswick, his stopping place be-

(58) See also State v. Hardelein 169 Mo. 579.

ing at Pattonsburg, Benton township. The Court held that his vote was properly rejected, pointing out that while the Constitution provided that no person shall be deemed to have gained or lost a residence by reason of his employment in the service of the government of the United States, it also provides that every voter must vote in the township in which he resides. Buckingham recognized his father's home as his residence, and this residence was not changed by his employment in the service of the federal government. His voting place unless he had adopted another was in Washington, not in Benton township. (59)

The vote of Carlos B. Tomlin was accepted. Tomlin's father had removed from this State and resided at Washington where he was employed in the service of the federal government. Carlos B. Tomlin lived with his father during his minority and he continued to live in Washington after he had reached the age of twenty-one. He testified, however, that he had never intended to change his residence. The Court held that the question was one of intention and that the finding of the lower

court would not be changed. (60)

The vote of Jerry Snider was rejected . Snider had lived in Davies County many years, but at the time of the election he was a resident of the soldiers' home in Leavenworth, Kansas. He testified that although he was a permanent member of the home and was admitted free, he had no intention of changing his residence from Davies County. For four months before the election he had been home on a furlough. The Court held that the legality of the vote would depend upon the residence of the voter, and that was a question of intention. But Snider's testimony was not conclusive and contrary intent might be gathered from all the circumstances. Evidence that he was a permanent member of the home and could not leave without permission tended to prove that he had actually changed his residence. The lower court might well have inferred that he was a resident of Kansas; and in absence of any declaration of law, it was presumed to have been so found. (61)

(60) Langford v. Gebhart - 130 Mo. 621.

(61) Ibid.

In Hale v. Stimson it was contended that old soldiers kept at St. James home were disfranchised. In taking up the consideration of this question, the Court said in regard to this section, "It is apparent that Section 7 is not a disfranchising section but its force is spent on the question of residence. An inmate of a soldiers' home is not precluded thereby from gaining a residence at the home provided that he had a bona fide intention to do so, and that intention may be proved by competent overt acts in the same way residence is proved for election purposes generally." (61)

The case of Hall v. Schoeneske (62) involved the question of student voting. The vote of W.C. Graham was contested by the election officials but rejected by the Court. The evidence showed that the mother had removed from Pennsylvania to educate the children. Graham remained in Pennsylvania for some two years coming to Missouri before becoming of age, but he had not been here one year before he voted.

It was held that a student may gain a residence at the place where he attends school even though he may be there only for the purpose of attending school. Under such circum-

(61) Hale v. Stimson 198 Mo. 134.
(62) 128 Mo. 661.

stances the question of residence is largely one of intention, but the testimony of the persons concerned is not necessarily conclusive. Here the evidence showed that the mother moved to Tarkio to educate her children. No evidence was introduced to show that she afterwards changed this intention. Under such circumstances the finding of the court that Graham acquired no residence was not disturbed.

Section 8. "No person while kept at any poor house or other asylum at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this State. "

By Section 5800 of the Revised Statutes of 1909 members of the Federal Soldiers' Home and of the Confederate Home were exempted from disfranchisement. The question of the validity of this exemption arose in the case of Hale v. Stimson. (63) The legislature at the time it, by statute, accepted the Old Soldiers' Home at St. James and the Confederate Home at Higginsville, and agreed to maintain them, ^{and} amended Section 699~~9~~ Revised Statutes 1899 by exempting the inmates of the homes from the operation of the above provisions.

It was held that the words "or other asylum" mentioned in the Constitution belong to the same class as "poor house" and that the legislature by the amendment did not place these institutions in that class by legislative construction.

The important thing in the mind of the legislature was to say who should and should not vote. The word "asylum" as used in the Constitution then, does not include these Homes and inmates are, if otherwise qualified, entitled to vote.

The argument that since these institutions are maintained by the State they belong in this class was not considered conclusive. The State in agreeing to maintain the Soldiers Home accepted with it thirty-three acres of land and other property and with the Confederate Home three hundred sixty-two acres and other property. It was held that in accepting this proposition the privilege of a soldier to a home should be considered to have been "bought and paid for" at great price, - the services they and their comrades rendered and the widows' mites that passed into the public chest. At any rate,

the sufficiency of those things as a consideration for the States agreement to maintain the old soldiers will not be decided in such a way as to deprive them of the right to vote. ----- Poorhouses and asylums may be eleemosynary institutions but there are many such institutions which are neither poorhouses nor asylums."

In a contested election over office of Superintendent of Public Instruction, it was maintained that a great many negro votes were improperly counted for Mr. Evans because these negroes did not reside within the precinct where they were registered. The evidence was not sufficient to support the contention. In regard to the argument "that they registered from a congested negro quarter as appears from the testimony avails nothing to the point. The negro race is not only markedly sociable ----- but prevailing social conditions irresistibly drive negroes to herd together. Ex-convicts, unperdoned, may be disfranchised, but up to this time technical or actual sexual morality is not made a statutory test of a voter by the Missouri law maker. -----As the law now stands, we do not understand it would avail the contestant aught to show that all or any of these negroes were ethically incorrect." (64)

(64) Gass and Evans 244 Mo. 239.

1875-1918.

3. MUNICIPAL SUFFRAGE.

The Constitution of 1875 prohibited the legislature from passing any local or special laws incorporating cities, towns, or villages, or changing their charters. (65) In 1877 cities were divided into four classes according to the population, and a general law passed for the incorporation of all cities within that class. Cities of the first class included those with a population of over 100,000. In addition to the qualifications prescribed by the Constitution, it was provided that the last ten days of the residence requirement must have been spent in the district in which the voter offered his vote. (66)

Cities of the second class included cities with a population from 20,000 to 100,000. All persons qualified as electors under the Constitution and laws of Missouri, who had resided six months within the city and one month within the ward where they offered to vote, were considered qualified electors at all elections for city officers. (67)

{65} Art.17., Sec. 53.

{66} Laws 1877 P 42.

{67} Laws 1877 p 97. A law for the registration of voters in cities with a population of between 25000 and 100000 stated that voters must have resided in the city sixty days and in the ward ten days. This law was passed in 1881. See Laws P 63.

In cities of the third class with a population of from 5000 to 20000 (68) and cities of the fourth class, (69) with a population of from 500 to 5000 inhabitants, no additional requirements were added to those enumerated in the State Constitution.

The General Assembly passed an act in 1883 providing for the registration of voters in St. Louis. Here it was stated that voters must have resided within the precinct twenty days prior to the registration. (70)

In authorizing cities between 20000 and 250,000 inhabitants and cities of the second class to extend their boundaries, the law provided that actual residents of the annexed territory, being otherwise qualified, might vote in city elections.(71)

A new act for cities of the third class, enacted in 1887, made no changes in voting qualifications. (72)

The Thirty-eighth General Assembly passed a law creating in cities of 100 000 inhabitants

(68) Laws 1877 - P 156. (69) Ibid - P 173
(70) Laws 1883 - P 38. (71) Laws 1885 - Pp 63 & 50
(72) Laws 1887 - P 64.

and over a Board of Election commissioners. (73)
The act stated that a qualified voter must have resided twenty days in the precinct where he offered to vote. Otherwise the State Constitutional provisions were followed. (74)

The franchise is now the same for elections for whatever purpose held except that the rate of taxation may be increased beyond a certain limit only with the consent of the qualified voters who are tax-payers.

(73) Laws 1895 - p 5.

(74) Cities have been reclassified by the legislature but the franchise in all cases is the same as that for State and County officers.

CHAPTER VI.

SUMMARY

By the time Missouri had become a territory the property qualification for voting had about disappeared and its place was taken by a tax qualification. A tax requirement appeared in the laws regulating the government of the territory of Missouri. It was also included in the general law for the incorporation of towns and villages.

Especially in the western states where equality among men was practically realized, manhood suffrage was generally favored.. It is not surprising, therefore, to find the framers of the Constitution of 1820 extending the franchise to all free white male citizens of the United States over the age of twenty-one, who had resided in the State one year and in the county or district three months. The payment of a tax remained a part of the general law for towns until 1841. Even as late as 1875 special charters were granted in which voters were required to have paid a tax but these probably did not reflect public opinion.

An attempt to add a tax requirement to the general law would without doubt have been rejected by the legislature.

In the control of schools and in certain matters where the expenditure of money was concerned, there was a tendency to limit the franchise to tax-payers. The general law regarding the organization of schools also recognized the right of those having children of school age to participate in the management of schools.

Attempts were made in the Constitutional Convention of 1865 and 1875 to make the payment of a poll tax a prerequisite for voting, but these attempts failed. The Constitution of 1875 does provide, however, that the rate of taxation for school purposes may be increased beyond the constitutional limit only after a majority of the tax-voters who are tax-payers have voted in favor of such an increase.

In not requiring the paying of a tax as a general voting qualification, Missouri's qualifications are in accord with a majority of the states of the Union.

Missouri has been very conservative in the matter of granting the franchise to women. Although only twelve states have granted full suffrage to women, they are allowed to vote on all or on certain questions in more than thirty states. The members of the Convention of 1875 showed a decided inclination to evade the issue and the members of the state legislatures since that time have not seemed eager to discuss the matter. An amendment granting full suffrage to women was submitted in 1914 but was rejected. Since this amendment was submitted with a number of others, the vote against it was not necessarily indicative of the opinion of the electorate. Both the Democratic and Republican conventions adopted resolutions favoring woman suffrage.

Although more than one third of the states have some sort of an educational test, such a provision has never been in operation in Missouri. The Constitution of 1865 included a section providing that after 1876 voters must be able to read and write. The adoption of a new constitution in 1875 prevented this from going into effect. The

Committee on Suffrage and Elections in the Convention of 1875 reported a section providing that after 1880 a voter must in addition to other requirements be able to read and write. This section was rejected. Missouri has never felt the same necessity for such a test as have the Southern states where the negro and the ignorant white held the preponderance in numbers. Nor has the immigration problem been so acute in Missouri as in the Eastern states.

Missouri, together with eight other states, still permits aliens to vote. An amendment restricting the suffrage to citizens was submitted in 1912 but was defeated. Had the proposition been submitted alone, there is little doubt but that it would have been adopted. Particularly since the war with Germany, there has been a decided feeling against permitting aliens to vote. The Americanization Committee of the State Council of Defense has recommended that the Council take steps for securing the submission by the next General Assembly of a constitutional amendment repealing that section of the Constitution under which aliens who have declared their in-

tention to become citizens may vote in Missouri. This recommendation has been approved by the State Council of Defense and the matter will be formally submitted to the next General Assembly. The proposed amendment will undoubtedly be submitted to the electorate for ratification.

It is hoped that the next legislature will favor the calling of a constitutional convention. If such a convention is called, several changes will probably be made in the voting qualifications, - the clause permitting aliens to vote is certain to go and it is at least highly probable that women will be granted suffrage on the same terms as men.

APPENDIX

Special Charters granted before 1841; and session of legislature at which each was issued.

St. Louis 1822; 1825; 1838-39 Booneville 1838-39

St. Genevieve 1825 City of Jefferson 1838-39

New Franklin 1832-33 Hannibal 1838-39

St. Charles 1836-37 Troy 1838-39

Cape Girardeau 1838-39

Residence qualifications 1841-1865, with dates of sessions at which charters were granted.

1. Special Municipal Charters in which the voting qualifications were determined by the general law for towns.

Washington 1840-41 Hartsville 1850-51

Weston 1842-43 Union 1850-51

Bridgeton 1843-43 Dekalb 1850-51

Liberty 1842-43 Tully 1850-51

Richmond 1842-43 Cassville 1850-51

St. Joseph 1844-45 Roanoke 1850-51

Savannah 1844-45 Troy 1852-53

La Grange 1844-45 Lebanon 1852-53

Platte City 1844-45 Augusta 1854-55

Hermann 1844-45 New Market 1854-55

Parkville 1848-49 Gallatin 1854-55

Louisiana 1844-45 Mexico 1854-55

1. Special Municipal (Continued)

Middle Grove 1854-55	Bloomington 1857
Neosho 1854-55	Shelbyville 1858-59
Athens 1856-57	New Haven 1858-59
Pattonsburg 1856-57	Missouri City 1858-59
Platte City 1856-57	Syracuse 1859-60
Bowling Green 1856-57	Tipton 1859-60
Commerce 1856-57	Knob Noster 1859-60
Kirksville 1856-57	Hermitage 1860-61
Plattsburg 1860-61	

11. Charters wherein it was provided that Municipal officials were to be elected by qualified voters of the state, a tax requirement being added in a few instances.

Rocheport 1842-43	Bolivar 1855-56
Fayette 1844-45	Springfield 1855-56
Palmyra 1844-45	Warrensburg 1855-56
Brunswick 1846-47	Paris 1855-56
Paris 1846-47	Lancaster 1856-57
Carrolton 1848-49	Westpoint 1856-57
Platte City 1852-53	Unionville 1857
Clarksville 1852-53	Westphalia 1857
Danville 1854-55	Gallatin 1857
Fillmore 1854-55	Kingston 1857

11. (Continued)

California 1857	Butler 1859-60
Johnstown 1858-59	Cole Camp 1860-61
Montgomery 1858-59	Stewartsville 1860-61
La Platte 1858-59	Gayosa 1860-61
Milan 1858-59	Holden 1860-61
Frankport 1858-59	Rolla 1860-61
Fulton 1858-59	Hornersville 1860-61
Fort Osage 1859-60	West Plains 1860-61
Macon City 1859-60	DeWitt 1860-61
Bloomfield 1859-60	Bates City 1860-61
Waynesville 1859-60	Warrensburg 1864-65
Kirkwood 1864-65	

111. Towns in which a residence of three months was made a voting qualification.

Warsaw 1842-43	Greenfield 1850-51
Glasgow 1844-45	Bloomfield 1852-53
Georgetown 1844-45	City of Kansas 1852-53
Lexington 1846-47	Weston 1852-53
Bloomfield 1846-47	Parkville 1854-55
Springfield 1846-47	Chillicothe 1854-55
Independence 1848-49; 1852-53	Fayette 1855-56

111. (Continued)

Rockport 1855-56	Richmond 1857
Dallas 1855-56	Memphis 1857
Otterville 1856-57; 1857	Linneus 1858-59
Edina 1856-57	Pacific 1858-59
Charleston 1856-57	Ironton 1858-59
New Madrid 1856-57	Salem 1859-60
Oregon 1857	Osceola 1859-60
Mt Vernon 1857	Bethany 1859-60

City of Forest 1860-61

Rolla 1864-65

1V. Towns, chartered by special act, in which a six months residence period was required.

St. Louis 1840-41; 1850-51; 1860; 61

Hannibal 1844-45; 1850-51; 1860-61

Louisiana 1848-49	Mexico 1856-57
St. Charles 1848-49	St. Ferdinand 1856-57
St. Joseph 1850-51	Napoleon City 1857
Coronadot 1850-51; 1859-60	Camden 1858-59
Weston 1850-51	Jackson 1858-59
Liberty 1850-51	Missouri City 1858-59
Louisiana 1850-51	City of Kansas 1858-59; 59 -60
Savannah 1852-53	Alexandria 1859-60
La Grange 1852-53; 1854-55	Waverly 1859-60
De Sota 1854-55	Miami 1859-60
Palmyra 1855-56	Georgetown 1859-60
Castle Rock 1860-61	
Liberty 1860-61.	

V. Towns in which the residence qualification was placed at twelve months.

Cape Girardeau 1842-43; 1852-53

Lexington 1844-45

St. Genevieve 1848-49

Arrow Rock 1860-61

Sedalia 1863

VI. Towns in which the voter must have resided one month in addition to the residence qualifications imposed by the Constitution.

Princeton 1854-55

Trenton 1856-57

St. Francisville 1859-60

1841-1465

Municipal Charters which provided for some form of a tax requirement as a prerequisite to voting.

Cape Girardeau 1842-43; 1852-53; 1862-63

Hannibal 1844-45; 1850-51; 1860-61

Glasgow 1844-45

Harrisonville 1857

Palmyra 1844-45; 1855-56

Mexico 1856-57

Paris 1846-47

St. Ferdinand 1856-57

St. Charles 1848-49

Huntsville 1858-59

St. Genevieve 1848-49

Pleasant Hill 1858-59

St. Joseph 1850-51

Kansas City 1859-60

Carondelet 1850-51

Alexandria 1859-60

Weston 1850-51

Waverley 1859-60

Savannah 1852-53

Miami 1859-60

La Grange 1852-53; 1854-55

Arrow Rock 1860-61

De Sota 1854-55

Sedalia 1863.

Springfield 1855-56

1865-1875

City Charters which provided for a residence qualification differing from that required by the Constitution.

1. Charters making a twelve-month requirement

Cape Girardeau 1871-72 Jefferson City 1871-7 2

11. Towns and Cities whose charters provided for a six months residence qualification.

St. Louis 1865-66; 1867; 1870

Kansas City 1865-66; 1870; 1875

Liberty 1868; 1871-72 Oregon 1870

Savannah 1868 Princeton 1871

Westport 1869 La Grange 1871-72

Boonville 1870 Macon 1871-72

Louisiana 1870 Linneus 1873

Jackson 1871-72

111. Towns and Cities whose charters made a three months residence qualification.

Independence 1868; 1871-72 Trenton 1871-72

Bethany 1869 Union 1874

Lexington 1870 Sturgeon 1875

Kansas City 1865-66

1865-1875

(Continued)

IV. Cities requiring a ward residence of one month

St. Louis 1865-66; 1867; 1870

Lexington 1870

Moberly 1872

Kansas City 1870

Linneus 1873

Louisiana 1870

Joplin 1873

Macon 1871-72

Hannibal 1873

Cape Girardeau 1871-72

Chillicothe 1873

V. Cities requiring a ward residence of ten days.

Kansas City 1867

Sturg

Chillicothe 1869

St. Louis 1875

Sedalia 1875

1865-1875

Cities in which some form of a tax requirement was made.

Savannah 1868

Washington 1873

Jefferson City 1871-72

Moberly 1873

La Grange 1871-72

Linneus 1873

Macon 1871

Canton 1873

Carthage 1875

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