Patriot & Union.

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SUNDAYS EXCEPTED
BY O. BARRETT & CO

THE DAILY PATRIOT AND UNION will be served to subscribers residing in the Borough for TEN CENTS PER WEEK, payable to the Carrier. Mail subscribers, FIVE DOLLARS PER ANNUM.

THE WEEKLY PATRIOT AND UNION is published at TWO DOLLARS PER ANNUM, invariably in advance. Ten copies to one address, *fifteen dollars*.

Connected with this establishment is an extensive JOB OFFICE, containing a variety of plain and fancy type, unequalled by any establishment in the interior of the State, for which the patronage of the public is solicited.

RATES OF ADVERTISING.

Four lines or less constitute half a square. Eight lines or more than four, constitute a square.

Half sq., one day	$0 30	One sq., one day	$0 60
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☞ Business notices inserted in the LOCAL COLUMN, or before marriages and deaths, TEN CENTS PER LINE for each insertion. To merchants and others advertising by the year, liberal terms will be offered.

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☞ Marriages and Deaths will be inserted at the same rates as regular advertisements.

Business Cards.

ROBERT SNODGRASS,
ATTORNEY AT LAW,
Office North Third street, third door above Market, Harrisburg, Pa.
N. B.—Pension, Bounty and Military claims of all kinds prosecuted and collected.
Refer to Hons. John C. Kunkel, David Mumma, jr., and R. A. Lamberton. my11-d&wom

WM. H. MILLER,
AND
R. E. FERGUSON,
ATTORNEYS AT LAW.
OFFICE IN
SHOEMAKER'S BUILDINGS
SECOND STREET,
BETWEEN WALNUT and MARKET SQUARE,
ap-29w&d Nearly opposite the Buehler House.

THOS. C. MacDOWELL,
ATTORNEY AT LAW,
MILITARY CLAIM AND PATENT AGENT.
Office in the Exchange, Walnut st., (Up Stairs.)
Having formed a connection with parties in Washington City, who are reliable business men, any business connected with any of the Departments will meet with immediate and careful attention. md-y

DR. C. WEICHEL,
SURGEON AND OCULIST,
RESIDENCE THIRD NEAR NORTH STREET.
He is now fully prepared to attend promptly to the duties of profession in all its branches.
A LONG AND VERY SUCCESSFUL MEDICAL EXPERIENCE justifies him in promising full and ample satisfaction to all who may favor him with a call, be the disease Chronic or any other nature. ml8-d&w1y

MILITARY CLAIMS AND PENSIONS.
The undersigned have entered into an association for the collection of Military Claims and the securing of Pensions for wounded and disabled soldiers.
Muster-in and Muster-out Rolls, officers' Pay Rolls, Ordnance and Clothing returns, and all papers pertaining to the military service will be made out properly and expeditiously.
Office in the Exchange Buildings, Walnut between Second and Third streets, near Omit's Hotel, Harrisburg, Pa.
THOS. C. MACDOWELL,
je25-dtf THOMAS A. MAGUIRE.

SILAS WARD.
No. 11, NORTH THIRD ST., HARRISBURG.
STEINWAY'S PIANOS,
MELODEONS, VIOLINS, GUITARS,
Banjos, Flutes, Fifes, Drums, Accordeons,
STRINGS, SHEET AND BOOK MUSIC, &c., &c.,
PHOTOGRAPH FRAMES, ALBUMS,
Large Pier and Mantle Mirrors, Square and Oval Frames of every description made to order. Regilding done.
Agency for Howe's Sewing Machines.
☞ Sheet Music sent by Mail. octl-1

JOHN W. GLOVER,
MERCHANT TAILOR!
Has just received from New York, an assortment of
SEASONABLE GOODS,
which he offers to his customers and the public at
nov22) *MODERATE PRICES.* dtf

J. COOK, Merchant Tailor,
27 CHESNUT ST., between Second and Front,
Has just returned from the city with an assortment of
CLOTHS, CASSIMERES AND VESTINGS,
Which will be sold at moderate prices and made up to order; and, also, an assortment of READY MADE Clothing and Gentlemen's Furnishing Goods.
nov21-1yd

DENTISTRY.
B. M. GILDEA, D. D. S.,
NO. 119 *MARKET STREET,*
EBY & KUNKEL'S BUILDING, UP STAIRS.
jan8-tf

RELIGIOUS BOOK STORE,
TRACT AND SUNDAY SCHOOL DEPOSITORY,
E. S. GERMAN.
37 SOUTH SECOND STREET, ABOVE CHESNUT,
HARRISBURG, PA.
Depot for the sale of Stereoscopes, Stereoscopic Views, Music and Musical Instruments. Also, subscriptions taken for religious publications. no30-dy

JOHN G. W. MARTIN,
FASHIONABLE
CARD WRITER,
HERR'S HOTEL, HARRISBURG, PA.
All manner of *VISITING, WEDDING AND BUSINESS CARDS* executed in the most artistic styles and most reasonable terms. dec14-tif

UNION HOTEL,
Ridge Avenue, corner of Broad street,
HARRISBURG, PA.
The undersigned informs the public that he has recently renovated and refitted his well-known "Union Hotel" on Ridge avenue, near the Round House, and is prepared to accommodate citizens, strangers and travelers in the best style, at moderate rates.
His table will be supplied with the best the markets afford, and at his bar will be found superior brands of liquors and malt beverages. The very best accommodations for railroaders employed at the shops in this vicinity. [al4 dtf] HENRY BOSTGEN.

FRANKLIN HOUSE,
BALTIMORE, MD.
This pleasant and commodious Hotel has been thoroughly re-fitted and re-furnished. It is pleasantly situated on North-West corner of Howard and Franklin streets, a few doors west of the Northern Central Railway Depot. Every attention paid to the comfort of his guests.
G. LEISENRING, Proprietor,
je12-tf (Late of Selins Grove, Pa.)

THEO. F. SCHEFFER,
BOOK, CARD AND JOB PRINTER,
NO. 18 MARKET STREET, HARRISBURG.
☞ Particular attention paid to printing, ruling and binding of Railroad Blanks, Manifests, Insurance Policies, Checks, Bill-Heads, &c.
Wedding, Visiting and Business Cards printed at very low prices and in the best style. jan21

TAILORING.
GEO. A. KLUGH.
The subscriber is ready at NO. 94, MARKET ST., four doors below Fourth street, to make
MEN'S AND BOY'S CLOTHING
In any desired style, and with skill and promptness. Persons wishing cutting done can have it done at the shortest notice. ap27-d

CHARLES F. VOLLMER,
UPHOLSTERER,
Chestnut street, four doors above Second,
(OPPOSITE WASHINGTON HOSE HOUSE,)
Is prepared to furnish to order, in the very best style of workmanship, Spring and Hair Mattresses, Window Curtains, Lounges, and all other articles of Furniture in his line, on short notice and moderate terms. Having experience in the business, he feels warranted in asking a share of public patronage, confident of his ability to give satisfaction. jan17-dtf

SKY-LIGHT GALLERY.—The rooms on the corner of Market square and Market street, opposite the Jones House, occupied as a Gallery for Daguerreotype, Photograph and Ambrotype purposes, are FOR RENT from the 9th of September next.
Apply to JOHN WYETH.
jy18-dlaw3w

WEBSTER'S ARMY AND NAVY
POCKET DICTIONARY.
Just received and for sale at
SCHEFFER'S BOOKSTORE.

NEW ORLEANS SUGAR!—FIRST IN THE MARKET!—For sale by
jy13 WM. DOCK Jr., & CO.

Medical.

DR. SWEET'S
INFALLIBLE LINIMENT,
THE
GREAT EXTERNAL REMEDY,
FOR RHEUMATISM, GOUT, NEURALGIA, LUMBAGO, STIFF NECK AND JOINTS, SPRAINS, BRUISES, CUTS & WOUNDS, PILES, HEADACHE, and ALL RHEUMATIC and NERVOUS DISORDERS.

Dr. Stephen Sweet, of Connecticut,
The great Natural Bone Setter.
Dr. Stephen Sweet, of Connecticut,
Is known all over the United States.
Dr. Stephen Sweet, of Connecticut,
Is the author of "Dr. Sweet's Infallible Liniment."
Dr. Sweet's Infallible Liniment
Cures Rheumatism and never fails.
Dr. Sweet's Infallible Liniment
Is a certain cure for Neuralgia.
Dr. Sweet's Infallible Liniment
Cures Burns and Scalds immediately.
Dr. Sweet's Infallible Liniment
Is the best known remedy for Sprains and Bruises.
Dr. Sweet's Infallible Liniment
Cures Headache immediately and was never known to fail.
Dr. Sweet's Infallible Liniment
Affords immediate relief for Piles, and seldom fails to cure.
Dr. Sweet's Infallible Liniment
Cures Toothache in one minute.
Dr. Sweet's Infallible Liniment
Cures Cuts and Wounds immediately and leaves no scar.
Dr. Sweet's Infallible Liniment
Is the best remedy for Sores in the known world.
Dr. Sweet's Infallible Liniment
Has been used by more than a million people, and all praise it.
Dr. Sweet's Infallible Liniment
Is truly a "friend in need," and every family should have it at hand.
Dr. Sweet's Infallible Liniment
Is for sale by all Druggists. Price 25 cents.
RICHARDSON & Co.,
Sole Proprietors, Norwich, Ct.
For sale by all Dealers. ap20 eow-d&w

Dyeing.

ALL WORK PROMISED IN
ONE WEEK!

104.
PENNSYLVANIA
STEAM DYEING ESTABLISHMENT,
104 MARKET STREET,
BETWEEN FOURTH AND FIFTH,
HARRISBURG, PA.,
Where every description of Ladies' and Gentlemen's Garments, Piece Goods, &c., are Dyed, Cleansed, and finished in the best manner and at the shortest notice.
no9-d&w1y DODGE & CO., Proprietors.

T. F. WATSON,
MASTIC WORKER
AND
PRACTICAL CEMENTER,
Is prepared to Cement the exterior of Buildings with the New York Improved
Water-Proof Mastic Cement.
This Material is different from all other Cements. It forms a solid, durable adhesiveness to any surface, imperishable by the action of water or frost. Every good building should be coated with this Cement; it is a perfect preserver to the walls, and makes a beautiful, fine finish, equal to Eastern brown sandstone, or any color desired.
Among others for whom I have applied the Mastic Cement, I refer to the following gentlemen:
J. Bissell, residence, Penn street, Pittsburg, finished five years.
J. H. Shoenberger, residence, Lawrenceville, finished five years.
James M'Candlass, residence, Allegheny City, finished five years.
Calvin Adams, residence, Third street, finished four years.
A. Hoeveler, residence, Lawrenceville, finished four years.
J. D. M'Cord, Penn street, finished four years.
Hon. Thomas Irwin, Diamond street, finished four years.
St Charles Hotel and Girard House, finished five years.
Kittanning Court House and Bank, for Barr & Moser, Architects, Pittsburg, finished five years.
Orders received at the office of R. M'Eldowney, Paint Shop, 20 Seventh street, or please address
T. F. WATSON,
may16-tf P. O. Box 1306. Pittsburg, Pa.

LADIES! YOU KNOW WERE YOU can get fine Note Paper, Envelopes, Visiting and Wedding Cards? At SCHEFFER'S BOOKSTORE.

SUPERIOR STOCK OF LIQUORS.—WM. DOCK, Jr., & CO., are now able to offer to their customers and the public at large, a stock of the purest liquors ever imported into this market, comprising in part the following varieties:
WHISKY—IRISH, SCOTCH, OLD BOURBON.
WINE—PORT, SHERRY, OLD MADEIRA.
COGNAC BRANDY, DUPEY & CO. PALE BRANDY.
JAMICA SPIRITS.
PRIME NEW ENGLAND RUM.
DRAKE'S PLANTATION BITTERS.
These liquors can all be warranted; and in addition to these, Dock & Co. have on hand a large variety of Wines, Whisky and Brandy, to which they invite the particular attention of the public.

NOTICE!
THE DRAFT IN THE 15TH AND ADJOINING DISTRICTS.
NATIONAL SUBSTITUTE AGENCY.
A. K. SWISHER & CO., having opened an office in Carlisle, at the Government Assessor's office, in Rheem's Hall, are now prepared to furnish substitutes at fair prices.
Substitutes supplied from this office will be able bodied Aliens, not subject to draft. All drafted persons served by us are guaranteed a release from the draft.
Apply at once, in person or by letter, at the "National Substitute Agency," Rheem's Hall, Carlisle.
References.—J. M. Weakley, Joseph Ritner, jr., J. Rheem. A. K. SWISHER & CO.
August 4-dtf

WAR! WAR!—BRADY, No. 62 Market street, below Third, has received a large assortment of SWORDS, SASHES and BELTS, which he will sell very low. au20 dtf

EXCELSIOR!!!—SUGAR CURED HAMS!—*A Delicious Ham, cured expressly for family use.* They are superior to any *now* in the market. [my24] WM. DOCK, JR., & CO

LOOKING GLASSES.—A Splendid Assortment of New Looking Glasses, just received, at W. KNOCHE'S Music Store, 93 Market street, where they will be sold cheap. Call and examine. mr13

Bank Notices.

NOTICE.—Notice is hereby given that application will be made at the next annual session of the Legislature of Pennsylvania, for a renewal of the charter of the West Branch Bank, of Williamsport, Pa., with its present name and style, location, privileges and capital of $100,000.
By order of the Board of Directors.
S. JONES, Cashier.
June 30th, 1863-jy4-tm1

LEGISLATIVE BANK NOTICE.—Notice is hereby given that application will be made to the legislative authority of Pennsylvania, at the next session of the General Assembly thereof, commencing the first Tuesday of January, A. D, 1864, for the incorporation of a Bank having banking and discounting privileges, with a capital of One Million Dollars, by the name and style of "The Oil City Bank," and to be located at Oil City, Venango county, Pennsylvania. C. V. CULVER.
June 29th, 1863-6m

NOTICE.—Notice is hereby given that "The Commercial Bank of Pennsylvania," intend to apply to the Legislature of Pennsylvania at their next session, for a renewal of their charter. Said bank is located in the city of Philadelphia, with an authorized capital of one million of dollars, a renewal of which will be asked for, with the usual banking privileges.—By order of the Board. S. C. PALMER, Cashier.
PHILADELPHIA, June 29, 1863-6m

NOTICE.—Notice is hereby given that application will be made to the Legislature of Pennsylvania at their next session, for a renewal of the charter of The Farmers' Bank of Schuylkill County, located in Pottsville, in the county of Schuylkill, with the present capital of one hundred thousand dollars, and with the usual banking privileges.
J. W. CAKE, Cashier.
June 16, 1863.—7m

BANK NOTICE.—Notice is hereby given that the undersigned have formed an association and prepared a certificate for the purpose of establishing a Bank of Issue, Discount and Deposit, under the provisions of the act entitled "A supplement to an act to establish a system of Free Banking in Pennsylvania, and to secure the public against loss from Insolvent Banks," approved the first day of May, Anno Domini eighteen hundred and sixty-one. The said Bank to be called THE FARMERS' BANK OF MOUNT JOY, to be located in the borough of Mount Joy, to consist of a capital stock of One Hundred Thousand Dollars, in shares of Fifty Dollars each, with the privilege of increasing the same to any amount not exceeding Three Hundred Thousand Dollars in all.
J. Hoffman Hershey, John M. Hershey,
Martin B. Peifer, Jacob M. Stauffer,
Reuben Gerber, John M. Bear.
jan28-d6mosw*

NOTICE.—Notice is hereby given of an intention to establish a Bank of Discount, Deposit and Circulation, under the provisions of an act, entitled "An Act to establish a system of free banking in Pennsylvania," &c., and the supplement thereto; said Bank to be called "THE MANUFACTURERS' BANK," to be located in the borough of Columbia, Lancaster county, Pa., with a capital of One Hundred Thousand Dollars, to be divided into two thousand shares of Fifty Dollars each. dec4-6md

ALLENTOWN BANK.
ALLENTOWN BANK, June 20, 1863.
Notice is hereby given, that application will be made to the Legislature of Pennsylvania, at its next session, for an increase of the capital of said Bank to the amount of $200,000 in addition to that authorized by the present Charter; and also for an extension of the Charter of said Bank for twenty years from the expiration of the present Charter.
By order of the Board of Directors.
je20-dtml CHARLES W. COOPER, Cashier.

BANK NOTICE!—The Stockholders of the FARMERS' AND DROVERS' BANK OF WAYNESBURG, in Green county, Pa., will apply to the next Legislature of the State, for an extension of charter, for the term of fifteen years from the expiration of its present term. The location, corporate name and privileges, and amount of capital stock, to wit: one hundred and fifty thousand dollars, to be the same as under its present charter.
By order of the Board. J. LAZEAR, Cashier.
Waynesburg, Green co., Pa., June 15, 1863—je20-dtml

NOTICE.—Notice is hereby given, in conformity with the act of Assembly, that the stockholders of the Bank of Montgomery County will make an application to the next Legislature of Pennsylvania for a renewal of the Charter of said Bank, with the same amount of capital (Four Hundred Thousand Dollars) as under the present Charter, to continue its present name and location.
By order of the Board of Directors.
W. H. SLINGLUFF, Cashier.
Norristown, Pa., June 20, 1863.—6m

NOTICE.—The Miners' Bank of Pottsville, in the county of Schuylkill, hereby give notice that they intend to apply to the Legislature of Pennsylvania at their next session for a renewal of their charter. Said Bank is located in the borough of Pottsville, in the county of Schuylkill, with an authorized capital of Five Hundred Thousand Dollars—a renewal of which will be asked without any extension of privileges.
By order of the Board. CHA. LOESER, Cashier.
Pottsville, June 20, 1863.—6md

NOTICE is hereby given, that application will be made at the next annual session of the Legislature of Pennsylvania, for a renewal of the charter of the HARRISBURG BANK, with its present name and style, location, privileges, and capital of Three Hundred Thousand Dollars. By order of the Board of Directors.
J. W. WEIR.
je30-dtml. Cashier.

TRADESMEN'S BANK,
PHILADELPHIA, June 24, 1863.
Notice is hereby given, in conformity with the laws of the Commonwealth of Pennsylvania, that the Tradesmen's Bank, of Philadelphia, located in the city of Philadelphia, created with banking and discounting privileges, with a capital of One Hundred and Fifty Thousand Dollars, that application will be made by the said Bank to the next Legislature for authority to increase the capital One Hundred and Fifty Thousand Dollars.
By order of the Board of Directors.
JOHN CASTNER, Cashier.
jy6-tml

INDEPENDENCE ISLAND.
Messrs. BECKER & FALK, Proprietors, announce to the citizens of Harrisburg that this cool and delightful Summer retreat is now open for visitors. Accommodations will be furnished to parties and pic-nics at reasonable terms, a dancing platform having been erected for their special use. Season tickets for families, good for one year, $1.00
No improper characters admitted, and no intoxicated person will be permitted to visit the Island.
A Ferry Boat plies constantly between the Island and the foot of Broad street, West Harrisburg. je13-3m

A SPLENDID ASSORTMENT
OF
LITHOGRAPHS,
Formerly retailed at from $3 to $5, are now offered at 50 and 75 cents, and $1 and $1 50—published by the Ar Union, and formerly retailed by them.
Splendid Photographic Album Pictures of all distinguished men and Generals of the army, at only 10 cts.
For sale at SCHEFFER'S Bookstore,
18 Market street, Harrisburg.

BASKETS!
LADIES TRAVELING,
MARKET,
SCHOOL,
PAPER,
KNIFE,
CLOTHES,
ROUND,
CHILDREN'S,
CAKE,
For sale low, by
je12 WM. DOCK, Jr., & Co.

WHITE BRANDY!!!—FOR PRESERVING PURPOSES.—A very superior article, (*strictly pure,*) just received and for sale by
july1 WM. DOCK, Jr., & Co.

MESSRS. CHICKERING & CO.
HAVE AGAIN OBTAINED THE
GOLD MEDAL!
AT THE
MECHANICS' FAIR, BOSTON,
HELD THE PRECEDING WEEK,
OVER SIXTY COMPETITORS!
Warerooms for the CHICKERING PIANOS, at Harrisburg, at 92 Market street.
oc23-tf W. KNOCHE'S MUSIC STORE.

WINDOW SHADES of linen, gilt-berdered; and PAPER BLINDS of an endless variety of designs and ornaments; also, CURTAIN FIXTURES and TASSELS at very low prices. Call at
Scheffer's Bookstore.

The Patriot & Union.

TUESDAY MORNING, SEPT. 8, 1863.

SOLDIER SUFFRAGE.

BLOOMSBURG, Sept. 4, 1863.

Dear Sir:—In reply to your letter of 22d of August, in relation to soldier voting, I have prepared and now transmit you a paper which contains the information requested.

I am, dear sir, very truly yours,
C. R. BUCKALEW,
Hon. Geo. Scott, Catawissa.

An examination of the Statutes, Decision of the Supreme Court, and proposed Amendment to the Constitution, upon the subject of Civil Suffrage by Citizens of Pennsylvania in Military Service.

By an act of the General Assembly, passed 29th March, 1813, it was provided: "That whenever any of the citizens of this Commonwealth, having a right to vote at a general election, shall be in actual military service under a requisition from the President of the United States, or otherwise, on the days appointed by law for holding general elections within this Commonwealth, each and every such citizen shall be entitled to exercise the right of suffrage at such place as may be prescribed by the commanding officer of the company, or troop, to which he or they shall respectively belong, as fully as if he or they were present at the usual place of election, any provision in any act or acts now in force to the contrary notwithstanding: *Provided, however,* that no such election shall be held if the company or troop to which such person or persons shall be attached shall be within two miles of the usual place of holding elections, at the time of holding such elections."

By the second section, "the captain or commanding officer of each company, or troop, shall act as judge, and the first lieutenant, or second officer in command, shall act as inspector, at such election, so far as shall relate to the proper company or troop to which such officer shall belong." There are other sections regulating returns, &c.

This old statute was superseded by the forty-third and some of the following sections, of the general election law of 2d July, 1839. The 43d section of this law reads as follows:

"Whenever any of the citizens of this Commonwealth, qualified as hereinbefore provided, shall be in any actual military service *in any detachment of the militia or corps of volunteers, under a requisition from the President of the United States, or by the authority of this Commonwealth,* on the day of the general election as aforesaid, such citizens may exercise the right of suffrage at such place as may be appointed by the commanding officer of the troop or company to which they shall respectively belong, as fully as if they were present at the usual place of election: *Provided,* that no member of any such troop or company, shall be permitted to vote at the place so appointed, if at the time of such election he shall be within *ten miles* of the place at which he would be entitled to vote, if not in service as aforesaid."

The forty-fourth section is similar to the second one of the act of 1813 above mentioned, except in the new provision it contains, that in case of the neglect or refusal of the officers designated to serve at such election, the officers "next in command" in companies or troops, shall act as judges and inspectors. The proceedings for conducting such elections shall, as far as practicable, be the same as those at ordinary general elections. By the forty-fifth section the manner in which the officers holding such elections shall be sworn, is directed. The forty-sixth expressly declares that all penalties upon officers and electors for violation of law at ordinary elections, shall extend to these provided for by the act. The four sections next following, relate to returns and to the enumeration of votes by return judges. It is to be remarked, that all the returns directed to be made are to be transmitted through the mails.

Under these acts, or rather under that of 1839, which stands in place of the older statute, it is plain, that persons drawn for military service of the United States under the conscription act of Congress of 3d March, 1863, are not authorized to vote. For the act of 1839 applies only to "*detachments of militia*" and to "*corps of volunteers*" in service under State authority, or under a requisition upon the State from the President of the United States. In 1839, and always previously, conscription by the United States was quite unknown, and no provision was made for persons who might be drawn into service by it. Therefore, even if this law should be held valid, conscripts could not vote under it. They, like citizens in civil life, would be obliged to vote, if they voted at all, in their proper home election districts and not elsewhere.

Again, the act of 1839, following the example of the act of 1813, provides only for votes to be given at the *general elections*, which, by our Constitution, are fixed on the second Tuesday of October of each year.

It follows, that there could be no voting under this law at Presidential elections, at the annual spring elections, or at municipal or special elections fixed at other times within the year than the second Tuesday of October. At none of these can the right of suffrage be exercised "on the day of the general election, as aforesaid," to which occasion the privileges conferred by the act are limited.

Nor does it seem contemplated, or reasonably possible, that elections should be held under this act, except in companies of troops under complete State organization, with citizen officers. The commanding officer of the troop or company is to fix the place of election, and the officers are to hold it, to be sworn, and to make returns. Only citizens of the State, or persons owing allegiance to her laws, can be directed by her to perform such duties. Ground has already been shown for holding that citizens of this State who volunteer into companies raised by other States, or directly into the service of the United States, independent of State organization, cannot vote; for the same reason of exclusion applies to them that applies to United States conscripts, to wit: that they are not included in the terms of the act of 1839. But beyond this, where the officers of any troop or company, the members of which are qualified to vote, shall neglect or refuse to appoint, to hold, or to make return, of an election, the whole proceeding must fail; and where such officers are not citizens of this State (which may be often the case,) they cannot be punished. There can be no pretence of power on behalf of our State to extend her laws, civil or criminal, over persons beyond her borders in United States service, and who owe her none of the duties of citizenship.

I assume that the act was intended to have operation and authorize voting as well beyond as within the State limits. Notwithstanding respectable professional opinion to the contrary, this conclusion may be drawn from the following points: 1st. That all the election returns are to be made through the United States mails, which can convey them from remote points. 2d. That military service rendered the United States by our citizens, will usually be service beyond the State boundary. 3d. The practice under the act in 1847 during the Mexican war, and 1861. 4th. The inequality of allowing some qualified soldiers to vote and excluding others; the enjoyment of of the right depending upon the circumstance of *place* at the time of the election over which the voter, being subject to military orders, can exercise no control. Lastly, may be considered, the situation of the State and country when the act of March 29, 1813, passed. In the spring of that year the invasion of Canada was intended. Strong efforts were to be made to obtain control of the lakes and of the country beyond them; to retrieve the Hull disaster; to chastise the savages, and to secure ourselves against insult and danger along the entire border. Pennsylvania soldiers were then in the army of Gen. Harrison in Northern Ohio and at other places beyond the State lines, and the military operations in which they were to participate were also to be conducted beyond them. Under these circumstances this act to authorize soldier-voting was passed. It was probably intended to encourage enlistments and volunteering, and to operate extra-territorially, at places outside the State, to which militia and volunteers were to be sent.

Having now shown the terms and extent of the law regulating suffrage by persons in military service, we may proceed to examine the question of its validity. For that has been assailed and judgment has gone against it in the highest court of the Commonwealth. The statute is pronounced by that court to be no law and void, because it contradicts the first section of the third article of the Constitution of Pennsylvania. That section reads:

"In elections by the citizens every white freeman of the age of twenty-one years, *having resided* in this State one year, *and in the election district where he offers to vote ten days immediately preceding such election,* and within two years paid a State or county tax which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector," &c.

This is the fundamental law which excludes all other law inconsistent therewith. The man who falls within this exact description of an elector, has a complete right to vote of which no Legislature can deprive him, and upon the man who is deficient in any one particular here mentioned, no Legislature can confer the right. It is not in the power of Judge, or Governor, or Legislator, to change one hairsbreadth the electoral requirements here recited, and they are each bound by solemn oath to support the Constitution which contains them.

Let the words relating to residence in an election district be taken according to their plain meaning, and as they must have been understood by the people when adopted by them as part of the Constitution, and what do they import? Clearly, in any given case, these three things: 1st, *the existence of an election district;* 2nd, *residence therein for ten days,* and 3rd, *an offer to vote there.* But the act of 1839 utterly disregards all these conditions upon which suffrage is made to depend, and attempts to authorize elections without them. It establishes no election districts; it adopts for its purposes none already formed; and it neither requires nor contemplates any fixed residence, or any offer to vote, within a district. The word *district* includes the ideas of territory and boundary, and the term *election district,* as used and perfectly familiar in this State, means a limited portion of territory within which the right of suffrage may be exercised by qualified residents thereof, and *to* which, as to them, that right is restrained.

The act of 1839, like that of 1813, authorizes "the commanding officer of the troop or company" to appoint the place of election, but this has nothing to do with the formation of districts, and none are, in fact, to be formed or established. Fixing places of election—selecting the precise spots, within districts, where voting is to take place—is quite a different thing from establishing districts, and if it were not, the Legislature could not delegate its powers for such purposes to a military officer.

But the non-requirement of a fixed residence of the voter at the place of voting, for the purpose of suffrage under this law, quite as clearly condemns it. "Having resided * * * ten days immediately preceding such election, &c., he shall enjoy the rights of an elector;" so says the Constitution. "Being in actual military service on the day of election, he shall enjoy the right of suffrage, &c.," says the statute. No previous residence whatever is required at the place "where he offers a vote"—at the place "appointed by the commanding officer of the troop or company"—even if such place could, by some strange use of language, be called "an election district." He may see this place and the region about it, for the first time, on the very day or the very hour when he votes, and may leave it forever a moment after his vote is given.

But it may be said (and nothing else *can* be said) that he votes by virtue of his continued residence in his proper election district *at home;* that such constructive home residence fulfils the requirement of the Constitution, and enables him to vote at the "place" where he may happen to be. But this argument is utterly shattered and destroyed by citing against it the strong, clear words of the Constitution itself:—"*resided*"—"*ten days*"—"*in the election district* WHERE HE OFFERS TO VOTE!" Indisputably, by these words, the place where a citizen may vote is constitutionally declared to be within the very election district of his residence, or, as said by the Supreme Court—"construing the words according to their plain and literal import * * * they mean, undoubtedly, that the citizen, possessing the other requisite qualifications, is to have a ten days' residence in an election district, and is to offer his ballot in that district."

This provision relating to the district residence of voters was not in existence when the act of 1813 was passed. It was one of the amendments made to the Constitution in 1838, prior to which time only a State residence of two years was required. An examination of the debates of the Convention which framed it, will show, that it was intended to secure elections against fraud, and to bear the construction now given, and which is required by its very language.

If persons having a district residence were allowed to vote beyond their districts—beyond the neigborhoods where they are known—and even (as in cases under this act of 1839) beyond the limits of the Commonwealth—the very frauds, irregularities and confusion which the amendment was intended to prevent, would come into existence, to degrade the elections and afflict the people. But if the act of 1839 were held to be good law, the Legislature could authorize, not soldiers merely but other citizens, to vote outside their proper districts and at remote points, with all the evil consequences just stated.

Untenable, however, as is this position that home-residence may be made to support voting abroad—condemned as it may be by the fundamental law and by reason—it points to an important doctrine or principle of law which is next to be considered.

The citizens who compose the detachments of militia and corps of volunteers mentioned in the act of 1839, do not lose their claims to be considered residents of the State and of their respective election districts, by entering into military service, for temporary periods, and under the orders or at the instance of their State government. They are justly considered as temporarily absent upon the public business, without such surrender or waiver of their citizen-rights as would follow an ordinary removal of a citizen into another State or country. This most reasonable and just doctrine is completely supported by authority and stands sure.

Residence within the State or district does not require for its maintenance the constant bodily presence therein of the individual who claims it. He resides there if he have there his *domicile,* or (borrowing a good word from a Saxon instead of a Latin original) his permanent place of *abode.*

If he go forth at the command of his State, to breast in its behalf the shock of war, he does not loosen his grasp upon his home, and when he returns to that home, perhaps scarred and broken, he resumes the exercise of his electoral rights as if he had been always there corporally present.

This doctrine of home-voting resting upon home-residence, is supported by common usage at our elections, and by the very decision of the Supreme Court now under review. Hundreds or thousands of volunteers and militiamen have so voted in this State since the outbreak of the war, and thousands will so vote at the general election now approaching. But the clearnesss and certainty of this right tell with decisive effect against the lawfulness of voting abroad, and must oblige an advocate of the latter to maintain, that an elector can have two legal residences at one time, or that he can vote at either of two different places of election on the same day.

It remains to say, in this place, that the Supreme Court has not decided that soldiers cannot vote, but simply that all citizens, whether soldiers or civilians, must vote in accordance with the Constitution of the Commonwealth. The opinion of the Court, which will be found in the 5th volume of Wright's Reports, page 403, is most full, forcible, and satisfactory, and should be read by any one who desires to form an intelligent and final opinion upon the subject to which it relates.

In consequence of the decision that soldier-voting, outside of proper districts, was unconstitutional, a joint resolution proposing an amendment to the Constitution, was brought forward at the last session of the Legislature, and was passed by an unanimous vote in both houses. That proposition is as follows:

"There shall be an additional section to the third article of the Constitution, to be designated as section four, as fellows:

"SEC. 4. Whenever any of the qualified electors of this Commonwealth shall be in any actual military service under a requisition from the President of the United States or by the authority of this Commonwealth, such electors may exercise the right of suffrage, in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual place of election."

If this proposition should be again approved or passed by the next Legislature, it can then, after a notice of three months, be submitted to a vote of the people for their adoption or rejection, and upon adoption by them would become a part of the Constitution.

It will be observed that this proposed amendment follows in part only the peculiar phraseology of the act of 1839, in designating the persons in military service to whom it extends. It speaks in the language of that act, of persons "in any actual military service," and then, dropping the words, "in any detachment of the militia or corps of volunteers," continues, "under a requisition from the President of the United States, or by the authority of this Commonwealth." The effect of the suppression of the words stated, is not perfectly clear. The word "requisition," in the act of 1839, means a call or demand made by the President upon the State. If it is intended to have the same meaning in this amendment, perhaps there is no change of sense produced by the suppression, as such requisitions would at all events be filled by "detachments of militia or corps of volunteers." But the writer of the amendment may have intended to give this word "requisition" a more extensive meaning, so as to include any demand or order for troops from this State, whether directed to the State authorities or not. It is one of the imperfections of this amendment, that the meaning of this important part of it should be open to dispute. If conscripts are to be included in the amendment, and to exercise the right of suffrage under it, it will be important to turn to the 34th section of the conscription, act of 3rd of March, 1863, which provides:

"That all persons drafted under the provisions of this act shall be assigned by the President to military duty in such corps, regiments, or other branches of the service, as the exigencies of the service may require."

How soldiers dispersed under this provision, scattered in all parts of the service, mingled with men and commanded by officers of other States and countries, can exercise the right of suffrage under the regulations of the act of 1839, or of any other State act of similar character, it is difficult to conceive.

The proposed amendment applies to "all electipus by the citizens," and is not confined to "general elections" as are the acts of 1813 and 1839. It is comprehensive, and at Presidential elections it would doubtless be convenient and effective in aid of a President who desired a reelection, or desired to select his successor. As Commander-in-Chief of all in military service, he could control the whole proceeding, and the country would be relieved from all those harrassing doubts and that vexatious uncertainty as to results, which have hertofore characterized our Presidential elections.

When this amendment again comes up in the Legislature for action, it will be important to examine carefully its form, the signification of the word "requisition" which it contains, and its probable operation and effect in future Presidential elections; in short, whether its departures from the phraseology and provisions of the act of 1839 are improvements or not. This is rendered particularly necessary by the introduction into the policy of the United States of the plan or system of conscription, which (as already stated) dispenses with calls or requisitions upon the State government and acts upon the citizen, establishing an entirely new military relation between the citizens of the State and the government of the United States. It will be necessary that the amendment have such form that it will fairly accomplish its purpose and stand undisturbed and unperverted by contact with new plans of military action or policy adopted by the United States. Otherwise, it may possibly happen, that complete control over State elections will be transferred to the Federal government, although such result is neither desired nor contemplated in amending the Constitution.

Appeals are now made to soldiers by party newspapers and orators, to oppose Judge Woodward at the coming election because, in the regular course of his duties, he was obliged to decide the question of the constitutionality of the act of 1839, and did decide it, along with other judges of the Supreme Court, honestly and truly. Neither he nor his colleagues could change the Constitution. They were, as honest men, bound to declare it as they found it, and apply it to the case before them. That