

AMER. LAW REGISTER 64, 67, 63), considered the abstractor's business as speculative; in Georgia, (Id. 64) as a perversion of the objects for which the records were made; but always upon the fundamental principle that abstracters were merely private persons, pursuing private business ventures, and therefore not to be favored as against other private persons seeking special information briefly and occasionally. Such principle assumes that the admission of an abstractor into a public office must result in monopoly of the public records, whereas all the cases which sustain the right of admission, also indicate the subordination of that right to the duties of the public officers. Arbitrary exclusion or annoyance by the public officer has caused every case which has reached a final

stage on appeal, and should be made the foundation of all arguments for relief, rather than too bold a claim of the right to reproduce the records. Whether this right belongs to every citizen, is uncertain, and need not be decided if the questions of the public value of the abstracts and the arbitrary actions of clerks are argued, as one or both are in proof.

In a practical view of a refusal on the ground of rivalry, there is usually some reduction of the fees offered, out of which there ought to arise an argument to the court or to the legislature, that the proposed rivalry would result in the increase of other fees in the same office, from increased transactions in the neighborhood, and therefore the abstractor should not be charged at all.

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LEGAL NOTES.

SUFFRAGE in *Idaho* was somewhat slighted in the December (1889) number of the REGISTER for want of a copy of the State Constitution, which has since come to hand. Though adopted in Convention, August 6, 1889, a copy was not to be found in the extensive library of the Law Association of Philadelphia. From the copy kindly furnished by the Secretary of State, it appears that by—

ARTICLE I.—DECLARATION OF RIGHTS.

SEC. 19. No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

There are also similar provisions in Alabama (29 AMERICAN LAW REGISTER 872), Arkansas (874), California and Colorado (875), Connecticut (876), South Dakota (910), and Washington (915).

SEC. 20. No property qualification shall ever be required for any person to vote or hold office, except in school elections, or elections creating indebtedness.

Property qualifications are also forbidden in Alabama (29 AMERICAN LAW REGISTER 872), California (874), Mississippi (892), and North Carolina (901).

ARTICLE III.—LEGISLATIVE DEPARTMENT.

SEC. 19. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: * * Providing for and conducting elections, or designating the place of voting. * *. Restoring to citizenship persons convicted of infamous crimes.

Special laws for elections are also forbidden in Illinois (29 AMERICAN LAW REGISTER 880), Indiana (881), Louisiana (885), Missouri (894), Montana (895), Nebraska (896), Nevada (898), New York (901), Oregon (904), Pennsylvania (908), Texas (911), and West Virginia (916).

ARTICLE VI.—SUFFRAGE AND ELECTIONS.

SECTION 1. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the Legislature to enact such laws as shall carry this section into effect.

But Kentucky (29 AMERICAN LAW REGISTER 884) and Oregon (904) have *viva voce* voting.

SEC. 2. Except as in this Article otherwise provided, every male citizen of the United States, twenty-one years old, who has actually resided in this State (or Territory) six months, and in the county where he offers to vote thirty days, next preceding the day of election, if registered as provided by law, is a qualified elector; and until otherwise provided by the Legislature, women who have the qualifications prescribed in this Article, may continue to hold such school offices, and vote at such school elections as provided by the laws of Idaho Territory.

This exclusion of aliens who have merely declared their intention to become citizens, also appears in Connecticut (29 AMERICAN LAW REGISTER 876), Delaware (877), Georgia (878), Illinois (880), Iowa (882), Kentucky (884), Maine (886), Maryland (887), Massachusetts (889), Mississippi (892), Montana (895), Nevada (897), New Jersey and New York (900), North Carolina (901), Ohio (903), Pennsylvania (905), Rhode Island (908, 909), South Carolina (909), Tennessee (911), Utah (913), Vermont and Virginia (914), Washington (915), and West Virginia (916).

SEC. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic or insane, or who has at any place, been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the right of citizenship; or who at the time of such election is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural or celestial marriage, or in violation of any law of this State, or of the United States, forbidding any such crime; or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into, bigamy, polygamy, or such patriarchal, plural or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid or encouragement