

power, proceeds among other things to direct "all Provost Marshals and other Military Officers, to arrest all such persons found at or hanging about, or approaching any Poll or Place of Election, on the 4th of November, 1863, and report such arrest to these Head Quarters."

This extraordinary Order has not only been issued without any notice to, or consultation with the Constituted Authorities of the State, but at a time and under circumstances when the condition of the State, and the character of the Candidates are such as to preclude the idea that the result of that Election can in any way endanger either the safety of the Government, or the peace of the community.

It is a well known fact that, with perhaps one single exception, there is not a Congressional Candidate in the State whose loyalty is even of a questionable character, and in not a County of the State outside of the same Congressional District is there, I believe, a Candidate for the Legislature or any State office, whose loyalty is not equally undoubted. In the face of this well known condition of things, the several classes of persons above enumerated are not only to be arrested *at* but "*approaching any pole or place of election.*" And who is to judge whether voters thus on their way to the place of voting have given "aid, comfort, or encouragement" to persons engaged in the rebellion, or that they "do not recognize their allegiance to the United States," and may avail themselves of their presence at the polls "to foist enemies of the United States into power?" As I have already said, in a very large majority of the Counties of the State there are not to be found among the Candidates any such "enemies of the United States," but the Provost Marshals—created for a very different purpose—and the other military officials who are thus ordered to arrest approaching voters are necessarily made by the order the sole and exclusive judges of who fall within the proscribed category: an extent of arbitrary discretion, under any circumstances the most odious and more especially offensive and dangerous in view of the known fact that two at least of the five Provost Marshals of the State are themselves Candidates for important offices, and sundry of their deputies for others.