

case this military order was not respected, is not an "undue interference" with the freedom of elections, I confess myself unable to imagine what is.

The import of your Excellency's remarks in your letter to me is confined chiefly to a justification of the exclusion of disloyal voters from the polls by means of the administration of an oath of allegiance. Without stopping to analyze the particular oath in question, it may be sufficient to say that this clause of the order is by far the least objectionable of the three. If any who were once citizens of the United States have been guilty of such conduct as justly disfranchises them, let them take the consequences. If for one, have not interfered, and shall not interfere to prevent it. But I insist that the judges whom the State has provided are the exclusive judges of the question of such citizenship, and that they shall be allowed to exercise their own judgement upon that question; and I shall never cease to protest against any attempt of the military power, in a loyal State, to control that judgement, and especially against the use of any threats tending to coerce an observance by these judges of any law which such a power shall undertake to prescribe.

The first and third sections of the order are the most remarkable items of the arbitrary authority it assumes. The first places all persons supposed to have given "aid and comfort or encouragement" to persons engaged in the rebellion, and those who "do not recognise their allegiance to the United States," at the mercy of a military officer and provost marshal, and orders the latter to arrest them when "approaching the polls" &c.; and the third clause intimates to the judges of election, in very unmistakable terms, the dangers they incur in case they disobey the military authority. These sworn officers of the law have a new law prescribed to them in this military order, and for disobedience of which they are to be reported to "these headquarters," and must, of course, take warning of the consequences that will ensue.

I am aware that your Excellency has so far modified the first of said sections as to substitute for it a direction to these provost marshals "to prevent all disturbance or violence about the polls" &c.; and that in speaking of the terms of the original order, you admit that "these officers being of necessity the exclusive judges as to who shall be arrested, the provision is liable to abuse." But I submit, with deference, that whilst this modification may relieve that part of the order of some of the most immoderate of its powers, it still leaves these officers the exclusive judges of who are guilty of violence or disturbances, and, of course, of who are liable to arrest therefor; and leaves them, consequently, the same opportunity for a similar abuse of power, the probability of which you may the more readily estimate when I inform you that several of them are themselves candidates at the same election for some of our most important offices.

You refer several times in your letter to the Missouri case, and to my approval of your course therein, and seem to think that the two States are in the same condition and have been treated in like manner. Without pausing to compare their condition or their respective liability to violence at the polls, I propose to contrast the proceedings which have severally taken place in the two. You say, "My order in Missouri, which you approve, and Genl. Schenck's order here