

As the oath which the law providing for a Convention requires you to administer to delegates elect, before taking their seats, was evidently intended to exclude disloyal persons from participation in the deliberations of that body, I have thought it possible that it was also the legislative intention to provide a method for the rejection, at the polls, of the votes of disloyal men, and that the power, amounting to judicial authority (according to my interpretation of the act), with which the Judges of Election are clothed, was really the mode adopted by the law-makers for the accomplishment of that purpose.

Your Excellency will oblige me very much therefore, by giving me your views as to the extent of authority possessed by the Judges of Election, and especially as to whether they have power to reject a vote on account of the disloyalty of the person offering it.

I will avail myself of the first opportunity to disclose to your Excellency the circumstances which, in my judgment, make it my duty to advise with you touching the subject.

Meantime I have the honor to remain,

Most Respectfully

Your friend & very obdt. servant

Lew. Wallace

Major Genl. Comdg Middle Dept.

State of Maryland

Executive Department

Annapolis March 31st 1864

Major Genl. Lew. Wallace

Comdg Middle Department

Dear Sir:

I received your letter of 30th Inst. in which, premising that persons disloyal to the Government of the United States are candidates for the Constitutional Convention, the election for which takes place in this State on the 6th of April next, and referring to the oath which by the law providing for that Convention, its members are required to take before they are entitled to seats therein, You suggest that it was probably also the legislative intention to provide for the rejection of the votes of disloyal persons at that election, and that the Judges of Election are vested with an authority to that effect. You therefore, request me to give you my views as to the extent of the authority possessed by the Judges on that subject.

It gives me pleasure to comply with this request, and to state as explicitly and as briefly as I can, my views of the power possessed by our Judges of Election in the premises.

By a clause in our election laws, as it has existed for many years, it is provided that "the Judges of Election may administer an oath in any inquiring they may deem necessary to be made, touching the right of any person to vote; and if any person