

to the election to be held under this section" The Election Law provides (Code 258) that the Judges of Election shall be residents of the election districts; that if they remove out of the district others are to be appointed - warrants to be delivered to them in five days by the Sheriff. If a Judge shall not attend at the time appointed, in his district he shall forfeit fifty dollars. If they fail to attend, the Justices of the Peace, present at the place of election, to open the polls &c; all pointing to the locality of election districts as the place for holding the election; and the Constitution in its first article, declares that a person shall be "entitled to vote in the ward or election district in which he resides."

If it be lawful to take votes in the Army, why not in the Navy? Are not the marines as gallant as the soldiers? If votes may be taken in Virginia, South Carolina &c, why not on board the National ships under Farragut, Porter &c? and why not in foreign as in domestic waters? Is not every illegal and improper vote given a fraud upon the legal voters? Are not the election laws framed to protect the ballot box, and throw around it all possible safeguards? Would any elections promote these ends? I would have every soldier and sailor vote if he could do so legally and constitutionally, and I would do anything reasonable to procure for them furloughs to return to their homes to vote as they may please; but I would not, and I do not believe you would, advocate an unconstitutional measure, or vindicate it when done, although done for the brave & patriotic men in the armies of the Union.

But you say, "if any wrong has been perpetrated by the Convention, or any one should suffer in person or property by its wrongful actions, surely the judicial tribunals of the state are the proper ones to redress the injury, and possess the power to do so." It is a maxim of the law, I know, that there is no right without a remedy; this, of course, refers to rights of persons and property under existing laws; but I am not satisfied that there is a remedy always in the law for the infraction of political rights. Will you point out the mode or manner of redress to one third of the legal voters of the state after they may be wrongfully excluded from the polls, and by that act of exclusion a new Government is instituted and officers are sworn to support it? The right of suffrage is a political right guaranteed by the Constitution. If it be obstructed, and the party be injured, he may sue the Judges of Election, but that only awards him a pecuniary compensation and does not restore his right nor prevent the public wrong done by the rejection of his vote. How could suits be maintained by one third of the voters of the state against the Judges of Election? Could any Judge be supposed capable of liquidating, in money, the enormous amount of costs and damages that might be awarded? In a single case it might be so, but in such a multiplicity how could it be? The very Jurors and Judges who would be called to support the new Constitution would have to decide upon his case.