

tolerates their presence, to embarrass the approaching election", and he therefore commanded, "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 11th November 1863" &c. This order ostensibly professed to prevent disloyal persons who had been in rebellion or engaged in giving aid and comfort to the Confederates from embarrassing the election, and to protect and develop the Union sentiment of the State. On the 2nd November, immediately on receiving notice of the order, you very properly issued a proclamation in which you denounced the Military order, and called upon the constituted authorities to disregard it. I quote an extract: "I avail myself of the occasion to call to the particular attention of the Judges of Election the fact that they are on the day of election clothed with all the authority of Conservators of the Peace, and may summon to their aid any of the Executive Officers of the County, and the whole power of the County itself, to preserve order at the polls, and secure the constitutional rights of voters." The true conservative, patriotic sentiment of the State sustained you, and would have rallied to your support in any mode you might have designated. You further stated that whatever power the State possesses shall be exerted to protect them (the Judges of Election) for anything done in the proper execution of the laws." That was nobly and patriotically said. But my dear Sir, what drew forth your laudable and fervent indignation? The order of General S. professed to be to assist loyal voting and prevent traitors Rebels and disloyal persons from interfering with the elections. You took the liberty of scanning the notices and purposes of this Major General & determined to protect the "constitutional rights of the voters." You took a correct view of the subject, and resolved as far as practicable to carry out and execute the Constitution. You declared in that paper, pointedly and emphatically in reference to the Judges of Election, "I need not I am sure, remind them of the terms of the oaths they are required to take before entering upon their duties, and according to which they swear to permit all persons to vote who shall offer to poll at the election & who in their judgement, shall, according to the directions contained in the Constitution and laws, be entitled to poll at said election" &c.

I cordially approved your course & sentiments in the issuing and composing of that paper, and with fresh remembrance of it, was it unreasonable to suppose that you would again address the Judges of Election to prevent a greater and more flagitious wrong than was attempted by the Military order of General S.? Then the election was but an ordinary one except that certain officers were to be chosen. Now it is for a Constitution - a fundamental law - that is designed to be continued for many years, and which may disfranchise many persons as well as inflict the grossest injustice upon other large classes of the Community. If the act of General S. was unconstitutional, so is that of the Convention. If the order of General Schenck was covertly designed to favor a certain political party, so is that of the Convention.