

and you intimate the opinion that for the infraction of political rights, such as the right of franchise, the law does not always profess to furnish a remedy, and that the Executive is clothed with authority to apply one. Doubtless this is in some respects a political question, and I may admit too, that such questions may at times arise that can be solved only by the political power of the State; but where is the authority for the assumption that such power is embodied in the Executive?

The people of the State are the source of that power, and, according to the acknowledged theory and practice of our form of Government, we are to search for its representatives among those whom they have duly delegated to ordain or alter their organic law, rather than any where else. I felt, if you will allow me to say so, some surprise that one of your discriminating mind should have referred, at such length, to the proceedings in the case of General Schenck's order, at the election of 1863, and to my action in connection therewith, for the purpose of showing that in the oath which the Convention has prescribed there is an interference with the constitutional rights of the voters as unwarrantable as that which General Schenck undertook to exercise, and the same necessity for my interference. I deem it proper to say that my sentiments in regard to that military movement have undergone no change whatever, but I confess myself unable to perceive any analogy between the cases. In the one, a military Commander arranges the form of an oath which he requires the Judges of Election in certain cases to administer, menaces them with arrest if they refuse, and sends a squad of soldiers to the polls to see that this order is enforced. I did in that case issue a proclamation, and called to the attention of the Judges of Election the law they were sworn to administer. No one pretended that any other law existed, and the quotation you make from my message correctly shows my object, and the feeling which prompted my action.

The Judges were menaced with arrest for refusing to obey an unauthorized military order instead of the undisputed laws of the State, and I said to them that for thus doing their duty they should be protected to the extent of any power that I possessed.

How does the case stand that we are now considering? The Constitution is of course the same today that it was a year ago. But the people of the State have declared, in the manner prescribed by law, their intention to change it. They have elected Delegates for that purpose — their delegates assembled in pursuance of that authority — they frame a Constitution — a large majority of its members, after months of deliberation and discussion, adopt it — they are to submit the work of their hands to their constituents — they require however, that all who offer to vote upon it shall swear that they have never given aid, countenance or support to the rebellion which is seeking to overthrow the government of which they are part — they claim to do this not merely as the representatives of the people entrusted