

quest, and directed the judges of election not to administer the oath required.

With sincere respect, I am, yours, &c.,
A. W. BRADFORD.

DUTIES OF JUDGES OF ELECTION.

Further to guard against any informalities in the returns of the election, the governor deemed it his duty to address the following circular to the judges of election, and it was published and circulated throughout the State on the tenth and eleventh days of October:

EXECUTIVE DEPARTMENT,
ANNAPOLIS, October 8, 1864. }

To the judges of the election throughout the State on the question of the adoption or rejection of the constitution.

You have been apprised by my letter, recently published, of the necessity of accompanying your returns of the election about to be held on the question of adopting the new constitution with a certificate that the oath prescribed in the said constitution has been administered to all voters at the election; and I deem it also proper to call your attention to another certificate required in connection with said returns, which not being a customary one, may be otherwise overlooked.

The act of 1864, authorizing the convention, contains the following provision, which, by another clause of the act is made applicable as well to said election now about to be held, as to the last one at which members of said convention were elected:

"The said judges in said return shall certify that no organized military or other armed force had appeared at the place where the polls had been held and interfered with said election, unless such military force shall be called for by the said judges of election, or by other civil authority charged with the preservation of the peace."

Your returns, therefore, to the executive should distinctly state that the oath, required by the convention to be taken by all voting on the question of adopting or rejecting the constitution, had been administered by you, and you should also therein further certify that no military or other armed force had appeared at the place of voting and interfered with said election, unless under the call of the civil authorities as therein provided; and should such force appear without said call, you should certify that fact under oath.

A. W. BRADFORD,
Governor of Maryland.

JUDICIAL PROCEEDINGS.

The election was held as provided for in the twelfth article of the constitution, on the twelfth and thirteenth days of October, eighteen hundred and sixty-four. On the twenty-fourth of October an application was made

to the superior court of Baltimore city, Hon. Robert N. Martin, judge, on behalf of Samuel G. Miles, for a *mandamus* to be directed to A. W. Bradford, governor of the State, commanding him to exclude all votes cast at any place outside of the State of Maryland from the count upon the question of the adoption of the constitution. The petition for the mandamus recited the fact of the convention, that it had adopted what is termed the "New Constitution," section eight of article twelve thereof providing that an election should be held in the city of Baltimore on the twelfth day of October, and on the twelfth and thirteenth of the month in the several counties of the State, &c: that all persons duly qualified to vote for delegates to the general assembly should vote at said election, excepting nevertheless that in sections eight and nine of the same article it is provided that no person should be permitted to vote unless he should first take the oath prescribed by article first, section four, of said constitution, and that the taking of said oath should not be conclusive evidence of his right to vote as aforesaid, whereby in addition to the qualifications prescribed by article first of the present constitution, (which the petitioner is advised, is under the constitution of the United States, the supreme law of the State of Maryland,) and as the condition on the performance of which, only the citizens of the State of Maryland should be entitled to vote, he is required to take the following oath, which will be found in the constitution.

The petitioner further shows that he is a free white person, upwards of twenty-one years of age, and that on the said twelfth day of the present month of October, was a citizen of the State of Maryland and of the United States, and on said day and month aforesaid, and for many years next preceding said day continuously, had been a resident of the city of Baltimore, and of the fourteenth ward of said city, and of the first precinct of said ward, in which he tendered his ballot, and had not been at any time convicted of bribery, false swearing, larceny or other infamous crime, or otherwise, according to the form and effect of the existing constitution, or any law made pursuant thereto, rendered incapable of exercising his elective franchise as aforesaid; and being so qualified to vote at all elections to be held in the said precinct and ward and city aforesaid, he did, on the said twelfth day of the present month of October, attend at the place appointed for the holding the aforesaid election in said precinct, at the hour of 12.30 or thereabouts in the afternoon of the day aforesaid, and did then and there tender to the duly qualified judges of the said election, then and there acting as such judges, a ballot, whereon was written "Against the Constitution," and did there and then require the said judges to receive said ballot, and to deposit the same in the