

The election took place as ordered, on October 12-13. There seems to have been little or no disorder or military interference at the polls, although it was charged that in some districts gross frauds were perpetrated.⁸ These could hardly have been very extensive on either side, as recourse would undoubtedly have been had to the courts in the same manner as was done in the case of the soldiers' vote. The result of the regular state vote showed that the Constitution had been defeated by an adverse majority of 1995.⁹ Of course everything now depended on the result of the soldiers' vote, the returns of which were slowly coming in. The opponents of the Constitution now attempted to throw out this latter vote, and thus insure the final defeat of the document. On October 24, 1864, an application was made to the Superior Court of Baltimore City (Judge Robert N. Martin) on behalf of Samuel G. Miles for a mandamus directed to Governor Bradford, 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 petitioner stated that he was a qualified voter of Maryland according to the existing Constitution, but had been unlawfully excluded from voting by the Judges of Election because he refused to take the oath illegally prescribed according to the new Constitution. He further averred that the soldiers had not been subjected to the oath according to the requirements of the new Constitution, and hence their votes should not be counted if the above action of the Judges of Election was sustained. Also by this same document the petitioner stated that he would be unlawfully deprived of his property in slaves without any compensation therefor. The court dismissed the petition on the

⁸ "Sun," Oct. 13; Frederick "Examiner," Oct. 19; Denton "Journal" (quoted in "Sun" of Oct. 24); "American," Oct. 29. See also Scharf, "History of Maryland," iii, 596.

⁹ See appendix for detailed vote.