

M. was reminded that Order 53 directed him to *report* their conduct, and not to arrest. He said he had private orders from his Commanding Officer which required him to arrest the Judges, but no such order was exhibited by him. There was some further conversation not material, which I can't recall, and the parties dispersed. The Judges immediately repaired to the Court Room, the place where the election was to be held. They went a little in advance of me. When I got to the Court Room, I found a number of cavalymen, armed with carbines and swords, standing about the door both inside and outside. I passed in through them, and found the Judges and a number of persons inside, and Robert W. Dougherty reading Governor Bradford's Proclamation aloud. He finished the reading, and Order 53 was also read by some one aloud. When the reading was over, the Judges qualified by taking the oath prescribed by the laws of Maryland, and also administered the oath prescribed by the same laws to their Clerks. The Judges then called upon the Sheriff, who was then present, to preserve order, and protect them in the discharge of their duties. The Sheriff said: "How shall I do it?" A voice said: "Summon the posse commitatus." Some other voice said: "You have no armed force, and cannot protect them." At this moment Captain Moore entered the room with a number of his men, armed as I have stated, and stationed them in the passway, on each side thereof leading from the door to the Judges' seat. These men were within a few feet of each other, and through this passway was the only access to the Judges, not wider than three feet, and about twenty feet long. While these men were being stationed, the Judges proclaimed that the election was open.

It then wanted a few minutes of 10 o'clock. Immediately Wm. J. Brittingham offered his vote. Capt. Moore who was a few feet off, still stationing his men, exclaimed: "I challenge that vote," and hastily came to the judges' desk, between the judges and the voter, and inquired the voter's name. The name was repeated by some one, and Capt. Moore then said he must take the oath. Mr. Brittingham said "I am ready to take it." The judges asked Capt. Moore if he insisted upon their administering the oath required by Order 53. He said "he did" insist upon it. After a moment's hesitation the judges said "we administer it under a protest," and did administer the oath to Mr. Brittingham. His vote was received and recorded. The next voter was Arthur Crisfield. He, too, was challenged by Capt. Moore, who drew out of his pocket or bosom, I think, a paper and examined it. It appeared to be a list of names. After looking at it he commenced a series of