

scaffolding for black freedom in Maryland. Two Unionist ideologies emerged: one conservative, the other unconditional, or radical. Both acknowledged the inevitability of emancipation, but their strategies differed. Radicals pursued the immediate, uncompensated brand, while conservatives sought compensation and to keep the election from becoming a referendum on black freedom. And they argued over the extent to which abolition could, or should, lead to equality.

The radicals trumped their rivals in November—their candidate for comptroller won 69 percent of the vote, and their men took four of five Congressional races and fifty-two of seventy-four seats in the General Assembly. Conservatives, citing military interference at the polls, cried foul. Egregious offenses were documented only in Somerset and Kent counties, where federal troops allegedly intimidated poll judges and suppressed votes of conservatives and Democrats by demanding loyalty oaths from those they accused of disloyalty. Some accusations were hurled by Unionist critics infuriated by the prohibition against Marylanders returning to vote from their new Confederate domiciles. Jean H. Baker argues that a more likely reason for the substantial decrease in 1863 voter turnout was the absence of many Marylanders who had either fled the state (south to the Confederacy, or north to more stable terrain) or joined the Union army (from which leave was required to vote)—a plausible alternative explanation to systemic, statewide vote suppression by the army.<sup>8</sup>

The new Maryland legislature scheduled an April 1864 referendum as a prelude to a September constitutional convention that would place the future of slavery before the voters in October. A hard-fought campaign, by the slimmest of margins, produced a new constitution to take effect the first day of November. Ninety-six convention delegates, who—after pausing to help erect fortifications around Annapolis against Jubal Early's strike toward Washington—approved the measure, which included a prohibition on the use of state funds as compensation for newly freed slaves. Emancipation had been won, if barely, by a relentless Unionist campaign and the votes of soldiers, who supported the new constitution by a ten-to-one margin.<sup>9</sup>

Some Maryland slaveholders refused to recognize this new era in Maryland. Within days they invoked Article 6 of the 1860 Maryland Code of Public General Laws, authorizing county Orphans' Courts to "summon before them the child of any free negro" and apprentice him or her to a white person if "it would be better for the habits and comfort of such child." White planters rounded up as many as three thousand black children—in some cases seizing them from their parents—and in wagons and carts hauled them before judges who quickly bound them out as apprentices in conditions that often differed little from slavery.<sup>10</sup>

On November 9, Gen. Lew Wallace issued General Orders 112, placing newly freed blacks under "special military protection" and creating a Freedmen's Bureau. Though unenforced by a Lincoln administration wary of prematurely alienating the