

in its 1849-50 session the legislature reluctantly enacted the necessary legislation providing for an election to determine whether a constitutional convention should be called and, if the vote favored a convention, for the election of delegates. The plebiscite was held on 8 May 1850. Although the turnout was light, the voters overwhelmingly opted for the convention.³

W. Wayne Smith describes the convention, which assembled on 4 November 1850, in the following terms:

The convention probably lasted longer than anticipated and became a tedious affair. Absenteeism was high, tempers flared, and men of patience undoubtedly moaned in despair. Still the delegates thoroughly examined all facets of Maryland's government and laws. Questions of representation, gubernatorial powers, budgetary questions, elective judges, restrictions of freedmen and slave—all came under the scrutiny of the convention. Given the scope of their task, and sectional tempers and the clash between progressives and conservatives, it is not surprising that the finished document was regarded as a patchwork of compromises. Disappointment with the new constitution was deep, and most delegates accepted it only because they believed it was the best document they could obtain.⁴

Among the major objectives of the convention was ensuring that the state's credit would never again be so ruinously extended as it had been in the previous two decades and that the state would cease being a capitalist and divest itself of its holdings in the internal improvement companies. Thus the convention determined to place in the new constitution a flat prohibition against any further state financial involvement in works of internal improvements, a general ban against the lending of the state's credit to private entities, and a requirement that "so soon as public debt shall have been fully paid off" the legislature should "cause to be transferred to the several counties and the city of Baltimore, stock in the internal improvement companies, equal to the amount respectively paid by each towards the erection and completion of said works, at the then-market value of said stock."⁵ In the same context considerable discussion arose as to the proper role of the state in managing, during the interim before their disposition, the internal improvement projects in which it already had a major financial interest.

Part of the impetus for this secondary concern arose from the toll-rate wars in which the C & O Canal Company and the B & O Railroad Company had engaged during the preceding decade. This pernicious rivalry was not only endangering the companies themselves but was causing problems for those dependent on the canal and the railroad and was reducing the return on the state's investment in those enterprises. Each company, and its adherents and supporters, blamed the other for the warfare and the problems it caused.

At the beginning of the convention a motion was made for the Committee on State Debt and Public Works to consider provisions for a board of public works, the president of which was to receive the state's votes for the presidency of the C & O Canal

3. Acts of 1849, ch. 346; Harry, *Maryland Constitution of 1851*, p. 32; Smith, "Politics and Democracy," p. 295. The vote was 23,423 for, and 4,935 against.

4. Smith, "Politics and Democracy," pp. 296-97. See also Harry, *Maryland Constitution of 1851*, p. 36: "Elements of discord abounded in the convention. Party feeling was very strong, and perhaps to this cause may be attributed in a great measure the difficulties and differences which were encountered in the progress of the session. An entire week was consumed before the convention was able permanently to organize, owing to political division and sectional jealousy."

5. Maryland Constitution (1851), art. 3, secs. 22, 42.