

Company.⁶ The committee ultimately presented a report to the convention proposing a board of public works consisting of three commissioners—one from the Eastern Shore and two from the Western Shore—elected on a statewide basis. A specific term was contemplated, but the length of it was left blank; the terms were, however, to be staggered. The duties of the board were described in proposed article 3: “The said commissioners shall exercise a diligent and faithful supervision on all public works in which the State may be interested as stockholder or creditor; shall represent the State in all meetings of Stockholders, and perform such other duties as may be prescribed by law.”⁷

Before any discussion of the committee report, a substitute was offered by Francis Thomas of Frederick County, which provided for the election of four commissioners, each elected from and by the voters of a specific geographic region.⁸ The duties of these commissioners were essentially the same as those prescribed in article 3 of the committee report for the proposed board of public works. In the event the commissioners were unable by reason of a tie to reach a decision or agreement, the state treasurer would cast the deciding vote.

The convention virtually disregarded the committee report after the committee chairman, Daniel Jenifer of Charles County, explained that (1) a number of proposals had been submitted to the committee; (2) “the report came before the Convention, more to discharge a duty which the Committee felt devolved on them by the reference of several plans to their consideration, than from any predilection of their own”; and (3) no member of the committee was pledged to support, in particular, the proposal embodied in the committee report.⁹ Thereafter the delegates discussed the issues within context of the Thomas substitute.

The seminal issue was, of course, whether to create a new, separate, and popularly elected board of public works or group of commissioners as an integral part of the state government to supplant the existing system of state agents appointed by the legislature.¹⁰ The convention committee squarely faced this basic issue and opted for a new elected board. When questioned about the decision, Jenifer called attention to the recommendations from governors Thomas G. Pratt and Philip F. Thomas to the 1846 and 1849 sessions of the legislature.¹¹

The Thomas proposal, involving four regionally elected commissioners, faced the issue somewhat less squarely. Although calling for a “board of commissioners,” Thomas made clear his opposition to the concept of a board of public works and drew what he considered a significant distinction between Maryland and other states having such boards. Those states, he noted, actually owned internal improvement projects. They were public enterprises, and the principal function of the board of public works was to exercise the state’s clear prerogative of direct managerial control—to take, in effect, the place of officers and boards of directors. Maryland’s situation was different. The state did not own the projects but was merely a stockholder and/or creditor of the

6. *Reform Convention Debates*, 1:114. It is significant that the convention paired these two topics—state debt and public works. As noted by Smith and Harry (note 4 above), the convention was fractious and difficult to organize. That included the selection of committees. Yet most of the proposals, in one manner or another, placed both of these issues in the same committee. See *Proceedings of the Maryland State Convention to Frame a New Constitution* (Annapolis, 1850), pp. 52, 60, 61 (hereafter *Maryland State Convention Proceedings*).

7. *Maryland State Convention Proceedings*, p. 248.

8. *Reform Convention Debates*, 2:220. Thomas had been governor from 1842 to 1846. He had also been president of the C & O Canal Company and, at the same time, a member of the U.S. Congress. He is not to be confused with Philip F. Thomas, who served as governor from 1848 to 1851.

9. *Ibid.*, p. 390.

10. In 1832, as previously noted, the legislature directed the governor and Council to appoint three agents to represent the state’s interest in the various companies in which it had an interest at all stockholders’ meetings. When the debacle hit in 1840-42, that arrangement was continued, but the legislature made the appointments itself, removing that power from the governor. See chapter 2; Acts of 1832, ch. 318; 1840, ch. 155; 1841, ch. 290.

11. *Reform Convention Debates*, 2:390. See also chapter 2.