

oath of office, decided by lot that Stewart and Franklin would have the initial four-year terms, and elected Franklin president. The only substantive action taken was adoption of a resolution requesting the various railroad and canal companies in which the state had an ownership or creditor interest "to furnish this Board with the tariff of tolls charged by them respectively upon the transportation of merchandise and passengers."⁴

At its next meeting, held at the Chesapeake Bank in Baltimore on 19 and 20 February 1852, the board selected the state directors in the Baltimore and Ohio, Baltimore and Susquehanna, and Annapolis and Elkridge railroad companies. The state, under the various statutes, had the right to select ten directors of the B & O, five directors of the Baltimore and Susquehanna, and three directors of the Annapolis and Elkridge. Three of the four commissioners offered slates, and, except for the Annapolis and Elkridge, it took two ballots to obtain the necessary three votes for the full complement of directors.⁵

The journal of proceedings shows no further meetings of the board until 6 April 1854—a hiatus of nearly twenty-six months. This is most likely a clerical lapse, however; the board's 1853 report to the legislature stated that in June 1852 the commissioners attended the annual meeting of C & O Canal Company stockholders and in March 1853 they met to elect directors of three railroads.⁶ There are eight blank pages in the journal between the February 1852 and April 1854 meetings, and one may presume that they were set aside for the minutes of the two meetings in between, which were simply never written.

The board's laxity extended beyond the keeping of minutes. It was also derelict in making its constitutionally required report to the General Assembly. During the 1853 session Sen. Nathaniel Williams of Baltimore City introduced an order requiring the board to make its report. Further action was deferred, however, at the sponsor's request. The board ultimately filed a report on 11 May 1853, at the conclusion of the legislative session.⁷

The first report recited the organization of the board and its initial appointment of directors in the three railroads. These directors served until 14 March 1853, at which time, according to the report, the board chose their successors. As noted, there are no minutes of such a meeting in the official proceedings of the board. The incumbent directors of the Baltimore and Susquehanna and the Annapolis and Elkridge railroads were reappointed by the board, while four changes were made in the B & O directors. Reflecting on their role with respect to the railroads, the commissioners stated:

The interest of the State in these works does not entitle her to a majority of the directors in their several boards, and consequently, their management, to a great extent, is beyond her control. Although we are required, from time to time, to review their rate of tolls, we

4. Proceedings of the Board of Public Works, 8 December 1851, vol. 1851-83, p. 1. The proceedings and minutes of the commissioners and the successor Board of Public Works from December 1851 through October 1905 are compiled in two bound volumes (1851-83, 1883-1905) in the collection of the Hall of Records, MdHR 12683, MdHR 7983 respectively. Minutes of board meetings from April 1904 to the present are in the board's current office in Annapolis. The Hall of Records has microfilm copies (M384-M388) of these records from March 1904 through August 1958 (vols. 1-13) and folders of materials (unpaginated) for meetings after that date. The unpaginated materials include minutes of board meetings from January 1958 through May 1978 (MdHR 40281-1/359), transcripts from March 1974 through May 1978 (MdHR 40328-1/100), tape recorded proceedings from February 1973 through May 1983 (MdHR 40369-1/800), and subject file from 1876 to 1970 (MdHR 40242-1/9-40338-1/17). Hereafter all references to the proceedings or minutes of the commissioners or the board will be cited as BPW Minutes, together with date, volume designation, and page number or numbers when possible. As materials for meetings after January 1958 are unbound, citations also include accession numbers for the file folders.

5. BPW Minutes, 19-20 February 1852, vol. 1851-83, pp. 2-6. Two of the directors named to the B & O (Benjamin C. Howard and Michael Newcomer) had been delegates to the 1850-51 Constitutional Convention. So had two directors of the Chesapeake and Ohio Canal Company. William Grason, a former governor (1839-42) and a delegate from Queen Anne's County, was appointed as president, and James Fitzpatrick, a delegate from Allegany County, was made a director.

6. *S. Jour.* (1853), doc. J, p. 4.

7. *Ibid.* (1853), pp. 260, 367.