

## CHAPTER 5

# The Constitutional Convention of 1864

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Substantial changes in the structure of the Board of Public Works and in the state's policy toward its existing internal improvements were on the horizon, but they were merely incidental when viewed against the more fundamental political shifts occurring in the state.

The debate over slavery, or more precisely, over emancipation, never far from the forefront, was fast becoming the critical and most divisive issue in the state. It was an issue of constitutional dimension in Maryland, for the 1850-51 Constitutional Convention flatly forbade the General Assembly from passing any law "abolishing the relation of master or slave, as it now exists in this State";<sup>1</sup> thus emancipation in Maryland would require an amendment to either federal law or the state Constitution.

The issue was forced by the Lincoln administration. In March 1862 the president outlined to Congress a proposal for giving federal assistance to any loyal state that provided for compensated emancipation. This was followed in short order by an act of Congress abolishing slavery in the District of Columbia, with compensation. Those actions, almost at once, caused a rift in the Unionist party—a rift that, within a year, became an open split.

The rhetoric of the two groups somewhat beclouded the issue and suggests that the differences were more of timing and tactics than of principle. The conservative party leaders, though fully supporting Lincoln's war aims, were unwilling to endorse his proposal for compensated emancipation, even if the actual emancipation were to occur in the future. They preferred to postpone the issue until the end of the war and then to leave it to a state constitutional convention. More "radical" party members, calling themselves Unconditional Unionists, met separately in Baltimore in May 1862 and adopted a resolution affirming support for the president's emancipation plan. Later they softened their stance a bit by making clear their disavowal of violence and urging emancipation "legally and constitutionally . . . at the earliest period compatible with the best interests of the State."<sup>2</sup> Inferentially, at least, emancipation was not to await the end of hostilities.

Whether for this or other reasons, an open schism developed to the point that during 1863 Unionist party groups met separately and had little formal communication with each other. *Efforts at reconciliation failed, and* as the November 1863 elections approached each nominated a slate of candidates.

There is some dispute about just how free the 1863 elections were. Military authorities were much in evidence and, through arrests of "disloyal" persons, enforce-

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1. Maryland Constitution (1851), art. 3, sec. 43.

2. Duncan, "Era of the Civil War," p. 373.