

CHAPTER 3

The Constitutional Convention of 1850-1851

For at least twenty years there had been an underlying discontent with the Maryland Constitution of 1776 and a growing clamor for a convention to rewrite it. Reformers had achieved some success in 1837 with a series of amendments providing for, among other things, the direct popular election of the governor, the abolition of the Council and the vesting of all executive authority in the governor, and a restructuring and geographical reapportionment of the General Assembly. But that was not enough. Baltimore City, a burgeoning metropolis, remained underrepresented; slavery (or its abolition) became an increasingly fractious issue; and a number of people, imbued with the spirit of Jacksonian Democracy, felt that too much power was centered in the hands of the privileged few.

Added to these issues, and sharpening the desire for constitutional change, was the fiscal debacle of the past decade and the enactment of the hated stamp tax. In August 1845 a conference of reformers met in Baltimore and urged the formation of committees throughout the state to press for a constitutional convention and to work for the defeat of any candidate to the General Assembly who refused to pledge himself to vote for such a convention. When the next session of the legislature convened in December 1846, a bill was introduced in the House of Delegates to take the vote of the people as to whether they wanted a convention. But after a good bit of wrangling, the bill was committed to the House sitting as a committee of the whole, from which it never emerged. In 1848 the House considered the matter again but rejected it by a vote of 44 to 34. The widespread fear that such a convention might unduly tinker with the institution of slavery proved a major stumbling block.¹

The debate over a convention became a partisan political issue, especially in the 1848 gubernatorial campaign. Philip F. Thomas, a Talbot County lawyer nominated by the Democrats, "accused the Whigs of incurring the huge state debt with 'Utopian schemes of Canals and Railroads' and urged the calling of a constitutional convention to reform the malapportioned state legislature."² Thomas was elected, and in his inaugural address he reiterated his call for a convention.

The General Assembly, led by members from the Eastern Shore and southern counties who feared the reapportionment and loss of regional power sure to come from a convention, continued to resist. Not until the 1849 election were reform groups able to cut the Whig majority and elect additional legislators favoring a convention. Finally,

1. See, in general, James Warner Harry, *The Maryland Constitution of 1851*, JHU Studies, ser. 20, nos. 7-8 (Baltimore: Johns Hopkins University Press, 1902), pp. 22, 23; Smith, "Politics and Democracy," p. 293; *H. Jour.* (1847), p. 277; (1848), p. 466.

2. Smith, "Politics and Democracy," pp. 293, 294.