

Harbine did not deem it important that the state was a mere stockholder rather than an outright owner in public works, especially in light of the state's position as *majority* stockholder in the C & O Canal Company. Nor did he see any harm in providing only general duties for the board. "It must be recollected," he observed, "that we are now making a Constitution, not a set of laws, and in doing this all that would be required, is to give the outline, the general principle, leaving all detail to the Legislature."¹⁸

Elias Brown of Carroll County took issue with the contention of Smith and Schley that the appointment of the state's agents was best left to the General Assembly. He had no fear of popular election of these officials, and indeed he thought it preferable. He did not want to leave "any patronage whatever in the hands of the Legislature—none—not in the smallest degree" as, in his opinion, "it would have a corrupting and baleful tendency." Schley immediately replicated that the appointment of agents was not really much patronage, since all they would do is vote the stock.¹⁹

William Tuck of Prince George's County pointed out that, whether by design or coincidence, the governance of the C & O Canal Company seemed to follow political changes in the state. "This unfortunate company for years has been a prize," he observed, "and subject of contention between the great parties." Perhaps upon the naive assumption that such political motives were anathema to the legislature, he feared the elective process as being too strongly influenced by partisan considerations and thus was content to leave the entire matter to the General Assembly. He therefore opposed both constitutional propositions. Moreover, he said, "this Constitution had now full weight enough—more probably than it could carry through the race it was to run on the political course."²⁰

Also speaking at length in support of the existing system was Allen Davis of Montgomery County. Davis was no stranger to the issues at stake; not only was he one of the five incumbent state agents appointed by the legislature (two others also served as delegates to the convention), but he had recently served as agent and trustee for contractors doing work on the C & O Canal. He also pointed out the limited function to be served by a board that merely voted the state's stock. Any attempt at a deeper intrusion into the affairs of the companies or the operations of the projects would be resisted as the corporate directors and officers would look to the corporate charters for their authority.²¹

After considerable wrangling over the reasons for the enormous cost overruns in completing the canal and the railroad, Benjamin C. Howard, a delegate from Baltimore County and one of the original promoters and organizers of the B & O, offered an amendment to the Thomas proposal designed to curtail some of the pernicious price warfare between the canal company and the railroad. His amendment, ultimately adopted, authorized the board to appoint the directors "in every railroad or canal company in which the State has the power to appoint directors" and also "to review, from time to time, the rate of tolls adopted by any company, and use all legal powers which it may possess, to obtain the establishment of a rate which may prevent an injurious competition with each other, to the detriment of the interests of the Treasury of the State, and report their acts annually to the Legislature." Howard had moved the amendment earlier in the debate but had been ruled momentarily out of order.²²

Responding to a sharp retort from Davis and to the suggested impotence of the proposed board, Howard observed that the state already had control of the major companies—the C & O Canal Company, the B & O Railroad Company, and the Susque-

18. *Reform Convention Debates*, 2:401.

19. *Ibid.*, p. 402.

20. *Ibid.*, p. 405.

21. *Ibid.*, p. 408. See also Sanderlin, *Great National Project*, pp. 157-58.

22. *Reform Convention Debates*, 2:413, 402.