

it had to prevent "injurious competition," and to report annually to the legislature). The Dorsey amendments, which were accepted by Howard, (1) qualified the power to appoint directors by adding the phrase, "where such power can be constitutionally exercised," and (2) allowed the board to report to the legislature "annually or biennially as the case may be";<sup>32</sup> (3) set as the criterion with regard to reviewing tolls the "interests of the State" instead of the "interests of the treasury of the State"; and (4) required the board to keep a journal of its proceedings and "if they deem it necessary to recommend such Legislation as they shall think requisite to promote or protect the interests of the State in the Public Works hereinafter mentioned."<sup>33</sup>

Following this and some additional sparring with Dorsey, Davis succeeded in adding to the Howard amendment, against Howard's wishes, a requirement that "in the adjustment of tolls, due regard shall be had so to adjust them as to promote the agriculture of the State." With these amendments the Howard amendment itself was adopted by a close vote of 38 to 36.<sup>34</sup>

After rejecting a number of other proposed amendments as not being timely offered (the previous questions having been called), the convention approved the Thomas substitute, as amended, by a somewhat greater margin and then formally adopted it as the committee report. In a "last ditch" effort Schley moved to reconsider the vote and to substitute a proposal for the popular election of three state agents—one from the Eastern Shore and two from the Western Shore. His motion was tabled, as were two others by William H. Tuck and Curtis W. Jacobs dealing with the salary to be paid the commissioners.<sup>35</sup>

The vote on the Thomas-Howard proposal was largely regional. Although a number of delegations were split, most of the delegates from the western and central subdivisions voted for the proposal, whereas the southern counties were solidly against it, as were most of the Eastern Shore delegates. The final provisions adopted by the convention became sections 1, 2, and 3 of article 7 of the 1851 Constitution (Sundry Officers). In summary they:

1. provided for the election, by district, of four "Commissioners of Public Works";
2. created for that purpose four districts: the First District comprising Allegany, Washington, Frederick, Carroll, Baltimore, and Harford counties; the Second District, Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles, and Prince George's counties; the Third District being Baltimore City; and the Fourth District the entire Eastern Shore;
3. provided four-year semistaggered terms for the commissioners, with two of the initial members serving for two years and two for four years, any midterm vacancies to be filled by the governor with the advice and consent of the Senate;
4. authorized and directed the state treasurer to break a tie vote among the commissioners "on any subject committed to their charge"; and
5. charged the commissioners with the following responsibilities:

32. This was evidently in reference to the convention's determination to limit the General Assembly to biennial sessions after a transitional period of annual sessions. Art. 3, sec. 7, of the constitution proposed by the convention (and later ratified by the people) provided for annual sessions in 1852, 1853, and 1854, and thereafter for biennial sessions.

33. *Reform Convention Debates*, 2:446. See also note 22 above.

34. *Reform Convention Debates*, 2:448, 449. Davis's amendment was by no means an afterthought. The C & O Canal Company initially relied on agricultural trade but soon recognized the need to stimulate other forms of commerce as well, principally mining and manufactured goods. It tried to do this by categorizing and manipulating its toll rates. In 1841, for example, it increased the rates for agricultural products. To the extent that the new board would have anything to say about toll rates, the agricultural interests wanted some assurance that they would not be disadvantaged. See, in general, Sanderlin, *Great National Project*, pp. 189-91.

35. *Reform Convention Debates*, 2:449-52. The three proposed sections of the Thomas proposal were voted upon separately. Art. 1 concerning the creation and duties of the board was approved by a vote of 40 to 34; art. 2 regarding residence requirements of the commissioners passed by 47 to 31; and art. 3 establishing election by district and terms passed by a similar vote of 47 to 31.