

tion. With that, the amendment was rejected, as was a later proposal by John L. Thomas of Baltimore City to include, as additional members, the lieutenant governor and the attorney general.¹⁰

The only other changes made to the provisions for the Board of Public Works were stylistic, recommended by the Committee on Revision. Thus the committee recommendation, with the few amendments noted, ended up as sections 1 and 2 of article 7 (Sundry Officers) in the Maryland Constitution of 1864.

Of far greater significance to the convention than the matter of who was to represent the state's interests in the various internal improvement companies was how ultimately to dispose of those interests. The 1851 Constitution, as noted, looked toward their sale to the political subdivisions once the state debt was paid, section 42 of article 3 providing:

That it shall be the duty of the Legislature so soon as the public debt shall have been fully paid off, to cause to be transferred to the several counties and the city of Baltimore, stock in the internal improvement companies, equal to the amount respectively paid by each towards the erection and completion of said works, at the then market value of said stock.

The 1864 delegates had a number of objections to that approach, partly, perhaps, because the fortunes of the various companies (and thus the value of their stock) were not at all the same. The B & O Railroad Company, for example, was thought to be quite a good investment, whereas the C & O Canal Company was considered as "a dead loss to the State."¹¹

While the issue of interim management of the state's investments was referred to the catchall Committee on the Tenure, Duties and Compensation of All Civil Officers Not Embraced in the Duties of the Standing Committees, the question of ultimate disposition of those investments was committed to the Committee on the Legislative Department. That committee recommended, as proposed section 39 of article 3, that:

The General Assembly shall pass laws to sell, lease or otherwise dispose of the State's interest in the works of internal improvement, in which the State is either stockholder or creditor; and to appropriate the proceeds arising therefrom towards the payment of the public debt of the State; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, to create out of said proceeds a permanent fund for the support of public education.¹²

This proposal differed in at least three important respects from the existing provision: (1) it envisioned an immediate disposition, not to await the discharge of the state debt; (2) it permitted a disposition short of sale—a lease; and (3) it removed the restriction that the investments be sold to the subdivisions (or, conversely, the obligation that they purchase them). Each of these distinctions sparked some debate, as did a number of other aspects of the proposal.

There was the question, for example, of who would superintend this disposition of the state's interest in the internal improvement companies. The committee proposal committed that to the legislature, as did an alternative proposal submitted by Ezekiel Chambers of Kent County. James L. Ridgely of Baltimore County saw some danger in that. He and Oliver Miller of Anne Arundel County separately offered proposals authorizing the governor, the comptroller, and the treasurer, or any two of them, to sell the investments "from time to time according to their best judgments,"¹³

10. *Ibid.*, 3:1688.

11. Remarks of Oliver Miller of Anne Arundel County, *ibid.*, 2:816.

12. *Ibid.*, p. 814.

13. *Ibid.*, pp. 872-73, 899.