

CHAPTER 6

The New Board: 1864-1920

The Board of Public Works created by the 1864 Constitution did not come officially into being until 4 January 1865. In the meantime the commissioners continued to meet and attend to their business. They appointed directors in the various railroads and the Chesapeake and Ohio Canal Company, directed increases in the tolls charged by the C & O, and sought federal aid in repairing damage done to the canal by Union troops. On 4 January 1865 the commissioners met for the last time, at the State House in Annapolis, and adjourned *sine die*. The new Board of Public Works met and organized the same day. As its first act, the members chose as secretary of the board Chapman Harwood, a former state-appointed director of the Baltimore and Ohio Railroad Company.¹

Although the new Constitution expressly permitted the General Assembly to delegate to the board some very general authority over the "public works" of the state, it seems clear that the focus was on the management of the existing railroads and canal and bridge companies and not on any other types of "public works." Except for the State House, the governor's mansion, and the penitentiary, there were few public buildings or institutions in existence, and neither the convention debates nor the acts of the legislature in the succeeding two sessions reveal any anticipation or desire that very many would be developed.

Thus it was that, for the three-year duration of the 1864 Constitution, the board did little more than the commissioners had formerly done. It appointed directors and concerned itself generally with the problems and affairs of the railroads and other improvement companies. Despite all of the rhetoric and debate about the need to dispose of the state investments promptly, not one share of stock and not one bond was sold or exchanged during the life of the 1864 Constitution. The board did on occasion solicit the advice of the attorney general—a resource not available to the commissioners—although it did not always follow his advice and sometimes ignored him in favor of the prominent Baltimore attorney William Schley.²

1. BPW Minutes, 23 March 1864-4 January 1865, vol. 1851-83, pp. 156-68.

2. The first legal matter coming before the board was not referred to the attorney general. The House of Delegates, on 27 February 1865, directed the board to investigate the condition of the Annapolis and Elkridge Railroad Company and to institute such legal proceedings as would elicit a full discovery of all its operations, enforce payment of certain obligations, and procure a judicial construction of Acts of 1841, ch. 168, which set up procedures for payment of the company's creditors. For that purpose the board employed William Schley as counsel. Schley was also employed by the C & O to institute proceedings in the name of the state to enjoin certain attachment proceedings against the C & O for the purpose of protecting the state's mortgage lien on the property sought to be attached. See BPW Minutes, 5 April, 5 July 1865, vol. 1851-83, pp. 170, 172-74.