

A problem arose when, for whatever reason, the attorney general declined to meet with the board. The minutes show that the board opened bids for the House of Correction on 3 May 1875, but, because the attorney general was not in attendance, it deferred consideration of them until 5 May. On that date the board met as scheduled. The attorney general was again absent, and it was disclosed that he had not answered the governor's telegram notifying him of the meeting. The meeting was rescheduled for the 10th, and when the attorney general again failed to appear it was rescheduled once more for the 13th. The elusive legal officer failed to show up on the 13th as well.⁸

The attorney general's peculiar behavior may not have been without purpose. There was, at this earliest involvement of the board in major public contracting, a clear suspicion of what in modern parlance might be called "hanky-panky." At its aborted meeting of 10 May (and without any reasons being reflected in the minutes), the board directed the governor "to notify the firms making proposals for House of Correction to disclose by Thursday next the names of the persons comprising said firms, otherwise the bids would be rejected." It was also agreed, according to the minutes, "that no assignment of any bid would be permitted but that such bidder as had the contract awarded to him must substantiate his bid with the proper bond and could not be allowed to transfer it to any other person."⁹

On the 13th, still without the attorney general, the board reported that no information had been received from two of the bidders, and accordingly their bids were rejected. The next lowest bidder responding, Thomas Binyon and Company, was notified to substantiate its bid—i.e., to file its bond. This Binyon did on 17 May. On 28 May, however, Binyon notified the board that it would not enter into a construction contract unless the price were increased and the cost of the building reduced. The board rejected that proposal and invited the next bidder, John Q. Codling, to enter a contract. Finally, on 22 June 1875 this was done—still, apparently, in the absence of the attorney general.¹⁰

The board's role in this venture was not limited to approving a single contract, although that proved difficult enough. It contracted with the B & O for an extension of the switching station at Jessup (the state to furnish the crossties and reimburse the B & O for its labor cost, the B & O to furnish the rail and equipment), and then fought with the B & O about the labor cost billed to the state. The board also contracted for the building of sheds to protect the mountain of bricks delivered to the site. In short, the board oversaw the construction project, receiving reports and examining, questioning, negotiating, and approving the payment of bills for labor, material, and architect fees. On 13 June 1876 the board made a personal on-site inspection to examine the work in progress.¹¹

This detailed involvement by the Board of Public Works continued with the construction of the normal school and, pursuant to legislative authorization, with the building of a state tobacco warehouse.¹² It was, in fact, in connection with the need for additional warehouse capacity that the board first considered and approved a lease for property on behalf of the state. On 23 May 1876 the board received a report from the supervisor of tobacco warehouses that a large number of hogsheads of tobacco

8. BPW Minutes, 3, 5, 10, 13 May 1875, vol. 1851-83, pp. 273-76.

9. *Ibid.*, 10 May 1875, p. 275.

10. *Ibid.*, 13, 28 May, 22 June 1875, pp. 276, 278. The *Sunpapers* dutifully reported the several meetings of the board and noted the absence of the attorney general but offered no comment on the matter. See *Baltimore Morning Sun*, 4, 11, 14 May 1875.

11. BPW Minutes, 22 June, 30 November 1875, 11 January-13 June 1876, vol. 1851-83, pp. 279-87, 294.

12. Acts of 1876, ch. 316, directed the board to rebuild a warehouse in Baltimore City that burned, and in doing so, to cause a plan and specifications to be made of the contemplated new warehouse, to advertise for proposals for the work, to appoint the architect, and to give the contract to the lowest bidder. See BPW Minutes, 19 May 1876, vol. 1851-83, pp. 289-90, where the construction bid was approved, and 5 June 1876, p. 293, where the contract was approved.