

this Convention has nothing to do. I am decidedly of opinion that it is improper, injudicious and unwise for this Convention to interfere with the duties of the Legislature, or to cumber the Constitution with matters not essential in the organic law.

For the reason assigned, I am opposed, Mr. President, to all the propositions presented to this Convention. I have no objection to the Legislature making provision for the election of the agents by the people. For such a proposition I will cheerfully accord my vote, but as a provision in the Constitution, I will never consent so far as my vote is concerned.

Mr. BROWN said that the gentleman from Frederick had requested him to move to fill the blanks, although he had not stated the numbers with which they should be filled.

On motion of Mr. BROWN,

The 2d article in the substitute was amended by filling the blanks therein with "five."

On motion of Mr. BROWN,

The 3d article in the substitute was amended by filling the first blank therein with "four," and the 2d blank with "two."

Mr. BROWN then moved to strike out the report of committee No. 14.

Mr. SCHLEY had been struck with the pertinent interrogatory of the gentleman from Montgomery, (Mr. Davis,) in regard to the duties to be imposed upon the Board of Public Works. It seemed that much more space was devoted to the mode of appointment than to the definition of their duties. After the statement just made by the gentleman from Allegany, (Mr. Smith,) the Convention must have come to the conclusion that the duties of the State agents for the future, whatever they might have been in the past, would be exceedingly light. How could the Board of Public Works exercise any supervision over the public works in the State? That provision in the bill was based upon the assumption that the State of Maryland was proprietor of the works, and could exercise entire control over them. From 1826 to 1832, there had been a Board to ascertain what works of internal improvement would develop the resources of the State. At that time the creation of such a Board had some propriety in it. The gentlemen constituting it, men of high character and acknowledged talent, were expected to examine carefully and minutely into these various objects. But in 1832, the system had been changed, and three agents employed to represent the State as a stockholder. In but one of these works did the State exercise even a controlling influence, whilst with regard to all the rest, she was a mere stockholder. It would be a misnomer to call this a Board of Public works, when there were no public works to be constructed, and when the Constitution which we are now framing absolutely forbade any future public works. He should prefer that they should be called, as styled in the act of 1844, State's agents. Their whole duties for all time to come, if this Constitution should be adopted, would consist merely of two acts, first, in all meetings of the stockholders, to

cast the vote of the State; and second, to act concurrently with the President and Directors of the Chesapeake and Ohio Canal upon the reductions of tolls. Under the act of 1834, granting the two million loan, the President and Directors of that Canal were inhibited from reducing the tolls without the consent of the Legislature; and under a resolution passed at the same session, these State's agents were authorised to act upon the subject instead of the Legislature. The assent of the State's agents must be given, because the State being the largest stockholder, and looking in part to the future revenues of that Canal to relieve the people from taxation, would not agree that any action should be taken upon so important a subject without her consent expressed in some form or other. These were the only duties he could assert without fear successful contradiction of those agents. They were now appointed under the provisions of the act of 1841, by the concurrent vote of both branches of the Legislature. The mode of appointment seemed to be the great objection of the gentleman from Frederick. He was himself not tenacious upon that point; but was perfectly willing to leave the matter with the Legislature. If the present mode was not satisfactory, they had the power to change that mode, and provide for their election by the people, and if five were too many, they could reduce it to three. If they preferred joint vote, he had no objection to that. In any view that could be taken, it would amount to that; for if one be taken from the House of Delegates, another by the Senate, and the third by the joint vote of both branches as proposed by the gentleman from Charles, (Mr. Merrick,) which ever party had the ascendancy on the joint vote would have the vote of the Board upon any question; and would have as much control over it as if the Board were elected altogether by joint vote. The two could select whatever President and Directors they pleased, regardless of the other one. He thought the Legislature was the preferable mode of appointing the State's agents, and of acting in reference to this whole subject. In 1846 the attention of the Legislature had been called to it by the Governor of the State in his message. A bill was introduced for the purpose of creating a Board of Public Works; but it did not become a law. In 1849, the then Governor of the State, in his message also called attention to the subject, and recommended a Board of Public Works, and a bill was again introduced, and again failed. If the people had desired a change, that change would undoubtedly have taken place. It was no *movement then upon the part of the people* which had originated this measure. The people so far as we were informed desired no change. The State agents performed their duty most faithfully and punctually, guarding the interests of the State in every conceivable point, as would be seen by the record of their proceedings. Their duties during the last year had been arduous. They had met some thirteen times at the cities of Baltimore and Washington, during the progress of the contract for the completion of the Chesapeake and Ohio Canal. They had various difficult duties imposed upon