

with great propriety of a mode of controlling these companies. He, [Mr. D.,] thought it was only a few years ago, since the Susquehanna rail road company, did not pay when the executive officer thought that it should pay. That officer conceived it to be his duty to look into the matter, and the result had been a payment into the State Treasury since.

This was more broad. A guarantee law was passed by the State of Virginia, to guarantee the bonds of the Chesapeake and Ohio canal company. The Governor thought it was not consistent with the company's chartered powers, to give this guarantee, and he wrote to the President asking information on the subject. When the answer was made, he referred the letter to the Attorney General, who decided that the company had a right to exercise what they proposed to do. He merely mentioned this to show that the Governor had the control, or thought it his duty to look into the matter—a control which, in his humble judgment, ought to rest on this single head—the Executive officer of the State. He would not lessen his responsibility by dividing it with any board.

Mr. HOWARD thought that the gentleman was unfortunate in selecting the case he had brought up. The Governor suggested a violation of duty on the part of the Susquehanna Railroad Company, and the Legislature appointed a committee to examine into it. The ground which was taken was, that the company had no right to apply any portion of their accruing revenues to the enlargement of the means of conveyance or transportation, never mind how much the wants of the community required it. That was the distinct point of accusation brought against the company. The Committee of the House of Delegates who went to Baltimore to examine into the matter, composed of gentlemen of both political parties, unanimously reported that the Governor was wrong and the company right. The idea that the Governor suggested was abandoned on all sides. The company went on to provide the necessary means of transportation, out of the revenues of the Company, before they paid it into the treasury of the State. How did the remarks of the gentleman apply to the case before them? He, (Mr. H.,) did not understand that there was any proposition before them to vest the power in the Governor. How did the Directors of the Baltimore and Ohio Railroad hold their places? Had the Governor any supervisory power over them? Unless some change had taken place recently in the legislation of the State, of which he was ignorant, they held their places by a tenure which was equivalent to a tenure for life or good behavior—by the concurrent votes of the two Houses. They who were legislated in must be legislated out.

Mr. BROWN said, that they were appointed by the Legislature, and not by concurrent vote.

Mr. HOWARD considered that as they were elected by both Houses, that therefore it was by concurrent vote. This had been the condition of the directors for the last twelve years. There had been no changes except occasionally of some

individuals; they had remained there undisturbed, because both branches of the Legislature had never been able to agree to appoint others. So that in fact these directors held their power entirely independent of the Governor, of either House, or of the Stockholders. This state of things was not right.

He did not wish to find fault with the directors. He had no doubt but that they had labored assiduously to carry out the important duties devolved on them. But no one had any control over them, and he desired to put a supervisory power somewhere. Suppose that they should not agree to the plan proposed for equalizing the tolls—in such case they must remove them and appoint somebody else who would. They were vesting power here fully in the various departments of government. They had confided to the people vast power. They might abuse it if they choose, but who could help it? They placed the pardoning power in the hands of the Governor; he might abuse it. All power was liable to be abused. He would say plainly, that he believed that this power might be misused for political ends. He hoped it would not. But under the conviction that wherever they placed power, it might be abused—he was inclined to support this proposition. He was in favor of exercising a control over all these directors. His sole object was to vest them with such control as they could; place in their hands all the power of the State; and if they could not do it, they could appeal to the Legislature to carry out the view with a single eye to benefit the treasury, and to stop this ruinous competition of these respective companies with each other.

Mr. SCHLEY moved to amend the amendment of Mr. HOWARD, by inserting after the word "canal," the words "or banking."

Pending the question on this amendment,

At five minutes past 3 o'clock, P. M.,

Mr. DAVIS moved the Convention adjourn, Which motion he waived to enable Mr. THAWLEY to renew the notice, that on to-morrow he should move to reconsider the vote of the Convention on the resolution adopted in favor of Henry G. Wheeler, the reporter to the Convention.

The Convention then adjourned until to-morrow morning 9 o'clock.

TUESDAY, April 15, 1851.

The Convention met at nine o'clock.

Prayer was made by the Rev. Mr. GRIF-FITH.

The roll of the members was called,

And a quorum being present,

The journal of yesterday was read and approved.

Mr. THAWLEY, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention on the resolution adop-