

distributing among the people the powers of the government, and on all questions of that character the gentleman and himself ought to agree. They might be staggered about the election of judges by the people, when it would be the office of those judges to preside over the courts in which were to be tried the causes of the people; but in the question now under consideration, it was not life and death but the mere pecuniary interests of the people of the State which were at stake. They were to decide whether freights were to be high or low, and thus indirectly to determine the income from the canal. Any principle which would require the election of Senators or of Delegates by the people, because they laid the taxes for the support of the government, would apply to these agents who had an equal connection with the system of taxation, although not so direct.

As to the duties, they were left to the Legislature, together with the compensation to be given; with the exception of those duties now known to exist. Who could foresee what powers the Legislature would put upon these agents? Was nothing to be left to the Legislature? If the Convention was to settle every detail in every bill, when could they ever adjourn? Some discretion must necessarily be left with the Legislature, and the compensation could be fixed no more, finally, than the duties, the one depending upon the other. If they should add no further duties, the compensation might be \$100, or \$200. If they should see fit to add further duties, the necessity of which he could not now see, the compensation would necessarily be increased.

As to the party character of the substitute, he would say that he had framed it with reference to an equilibrium in parties. His own deliberate judgement was, that the old party organizations of the country could not hold together to the time of another Presidential election. But whatever might be the future changes, the State was so divided that in all probability there would be two agents elected from each party, if party influences should be brought to bear, and if they could not harmonise the treasurer would have the casting vote. He did not wish the agents to be one and the same party. When himself was elected to the office of President of the Canal Company, he had influenced the agents of the State to have him associated with gentlemen of the opposite political party in the management of the canal, in order that they might criticise the action of the board, and divulge all that had transpired before them.

Another reason for the distribution into districts was, that it might not be safe to leave any opportunity for rivalry between the Chesapeake and Ohio Canal, and the Baltimore and Ohio Railroad. Still another reason was, that the people would not be so well able to judge of the qualifications of the candidates, if they were not from their own section of the State. In a political canvass for offices of the whole State, candidates were generally selected who were known throughout the State; but the nature of this office was such, that in nine cases out of ten, the persons best fitted for it would not be known out of their own section of Maryland.

Mr. DAVIS said, that so long as political parties should continue, this must necessarily be a political board; the treasurer giving the casting vote, and he being, as is proposed, elected by the people. His venerable friend from Anne Arundel, (Mr. Dorsey,) had not sufficiently observed the distinction between a railroad and a canal, as an engine of political power; his friend lived near a railroad, and after the train of living beings dashed by like lightning, he saw nothing but the naked railroad left—far different was it with a canal. The Hudson river canal, 108 miles long, employed one thousand boats, and five thousand men; and the Erie canal, five thousand boats and fifteen thousand men. Here was, then, an army, a sufficient field for political operations, and the gentlemen from Frederick, (Mr. Thomas,) perfectly well understood this. This was the grand mistake his venerable friend had made. He would not say that he believed that advantage would be taken of the number of men employed; but he did not wish to have the power retained in any board to interfere with the elective franchise of such a number of voters as would constantly be employed upon the line of the canal. He would ask the gentleman from Frederick, whether, when President, he had been in the habit constantly of visiting the line of the canal to manage its police?

Mr. THOMAS, in his seat. Always.

Mr. DAVIS. Yes, he knew the gentleman while he was receiving three thousand dollars as President of the Canal Company, had found time to represent his district in Congress, and he had doubtless found a great deal of business to attend to on the line of the canal during his electioneering campaigns, as from fifteen hundred to two thousand voters were then employed upon the work. (Much laughter.)

Does not my friend from Anne Arundel see what an engine of political power the control of this canal will give the gentleman from Frederick?

Mr. SCHLEY withdrew his amendment, and the question recurred upon the amendment moved by Mr. HOWARD.

Mr. BOWIE said, that he was opposed to the amendment of the gentleman from Baltimore county, (Mr. Howard.) He cared very little whether the appointing power should be fixed under the Constitution or not; and he should not enter into that question. He could not vote to give to this board the power from time to time, to review the rate of tolls adopted by any company, in order to prevent competition. If the gentleman would look to the charters of these companies, he would find that the question of toll was left entirely to their discretion, within certain bounds; and he would submit to the gentleman whether it was now competent for this Convention or the Legislature, to alter or diminish in any particular, the power secured to these companies under their charters.

Mr. DORSEY suggested that reviewing the tolls and changing or reversing the tolls, or establishing different rates of toll, were entirely different questions.