

they will find that it is as follows: Strike out of the amendment all after the words "provided further," and insert "that the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Susquehanna and Tide Water Canal, shall be exempt from said sale." The amendment as proposed by the gentleman from Prince George's (Mr. Clarke) was as follows: Strike out the last clause of the proposed section submitting the question of sale to the people, and insert in lieu thereof the following: "Provided further, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal Company shall go into effect, until the same shall be ratified by the ensuing general assembly."

Now, I voted for the first branch of the amendment to the amendment in relation to the Chesapeake and Ohio Canal, under the impression that it embraced precisely what the amendment of the gentleman from Prince George's embraced. That is, that it excepted and was designed to except, from the operation of this section the validity of the sale of that canal, until the same should be ratified by a subsequent legislature.

The section provides in the first place for the appointment of a board. It then provides that that board may at once dispose of the State's interest in the Baltimore and Ohio Railroad Company, dollar for dollar, for State bonds, or registered indebtedness. That is the only exchange which under this section this board can make without legislative action.

Then, under this section, in regard to the disposition of the State's interest in all other works, and in banking institutions, it is absolutely necessary that there should be legislative action. It is expressly stated that the legislature shall provide the ways and means, indicate the mode and manner of the disposition of the State's interest in those corporations, the time, place, and everything else. So that under the operation of this section as reported, no sale could take place in the State of Maryland without the previous action of the legislature of Maryland.

The gentleman from Frederick (Mr. Schley) was anxious to call the attention of the legislature particularly to this work of the Chesapeake and Ohio Canal. He then suggested, and the gentlemen from Prince George's (Mr. Clarke) accepted the suggestion, to insert that the sale of that canal, even under the previous action of the legislature, should not be binding and valid until ratified by a subsequent legislature. And I voted for the first branch of the amendment of the gentleman from Baltimore city (Mr. Stirling) to the amendment of the gentleman from Prince George's (Mr. Clarke,) under the impression that it meant merely that the sale of the Chesapeake and Ohio Canal should not be binding unless ratified by a subsequent legis-

lature. And I supposed that the remainder of the amendment to the amendment was intended merely to include in the same category the Chesapeake and Delaware Canal, and the Susquehanna and Tide Water Canal. I did not see the necessity of any subsequent legislative action in reference to the sale of those two canals, and therefore I voted against that part of the amendment to the amendment.

But to my surprise, and I apprehend to the surprise of all the members of this convention, an examination of the journal this morning shows that the amendment of the gentleman from Baltimore city (Mr. Stirling) does not leave this question open to the legislature, but is a positive inhibition on the legislature for all time to come, from ever consenting to or ratifying the sale of either the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, or the Susquehanna and Tide Water Canal. It prohibits the legislature forever from ever taking any action for the sale of those works. That I apprehend is going far beyond what this convention intended.

The convention started out with the proposition of the gentleman from Baltimore county (Mr. Ridgely,) by which a board was created, and under which they made provision for the sale without any legislative action. Then subsequently they adopted the amendment of the gentleman from Montgomery (Mr. Duvall,) saying that the sale under the proposition of the gentleman from Baltimore county should not take effect unless ratified by the legislature. But this amendment of the gentleman from Baltimore city (Mr. Stirling) goes far beyond that, and even beyond what the majority of the committee on the legislative department reported in the thirty-ninth section, which makes it mandatory upon the legislature to pass laws for the sale of the State's interest in these public works.

This proposition reported by the majority of the select committee does not make it mandatory upon the legislature, but leaves it optional with them, except in the solitary case of the Baltimore and Ohio Railroad, to make provision for the sale or not. This amendment, however, goes away beyond that, and absolutely precludes the legislature forever, or while this constitution, if it be adopted, shall last, from making provision for the sale of those canals. Here are three steps of retrogression. First, we started out with a proposition directing the legislature to pass laws providing for the sale. Then the select committee comes forward with a proposition creating, as I conceive, a proper board to make the sale, but leaving it optional with the legislature to make provision for the sale or not. Then this amendment oversteps in the other direction, and goes far beyond it, and absolutely prohibits the legislature from making any provision for the sale of the State's interest in the Chesapeake and Ohio