

till then does the power of the board attach to sell. Certainly that was the intention of the committee, and they have already expressed it. They intended to put the power of sale into the hands of this board, so far as Baltimore and Ohio railroad stock was concerned, at once and without any restriction. We have therefore guarded the State's interest as much as it possibly can be guarded in that section.

We have first created a proper board, of the governor, comptroller and treasurer. And then we have authorized that board to sell the State's interest in the Baltimore and Ohio railroad at once. But the sale, by this board, of the interest which the State may have in all the other works of internal improvement, is made possible only under such rules and regulations as the legislature of Maryland may prescribe. I say that the board cannot move one inch, cannot sell or exchange one cent's worth of the State's interest, except in the Baltimore and Ohio railroad, until the legislature of Maryland shall prescribe rules and regulations for that purpose. That is clear and certain.

Now what more power does this convention want to give to the legislature? We are all agreed as to the propriety of making these men the board, because two of them are the sworn and bonded financial agents of the State. The gentleman from Baltimore city (Mr. Stirling) said that he had no objection to the immediate disposition of the State's interest in the Baltimore and Ohio railroad. And if there is no objection on all hands to the disposition of the State's interest in that work, then I ask in what way can you possibly put this matter more within the discretion of the legislature than is provided by this section? It expressly provides that this board shall go on and make these sales or exchanges from time to time, only under such and subject to such regulations and rules as the legislature may prescribe.

Mr. STIRLING. Does it say "under such?"

Mr. NEBLEY. "Subject to such regulations and conditions as the general assembly may from time to time prescribe to sell the State's interest," &c. Here is a condition precedent which must be performed. It is just like the stipulation of a condition precedent in a contract before certain rights can attach to parties. So it is in this case. The legislature of Maryland must pass some rules or regulations, or prescribe some conditions to which the action of this board becomes subject. What does the word "subject" mean? "Subject to such rules and regulations as the general assembly of Maryland may from time to time prescribe." To do what? Why, "to sell." Can anything be more clear? Can the English language make anything clearer? Certainly not.

Then by the appointment of this board we have a proper board. Then provision is made

for the immediate exchange of the State's interest in the Baltimore and Ohio railroad, about which we all seem to agree. And then we have the disposition of the State's interest in all the other works of internal improvement expressly put under the control and direction of the legislature of Maryland.— Now, in the name of common sense, what more can you ask?

But this amendment does what? It goes away beyond everything else. The majority of the legislative committee started out with a mandatory order to the legislature to sell. We had a great difficulty about that. This special committee comes in and reports a provision which leaves it optional with the legislature to sell, and only indicates the board. And now this amendment comes forward and absolutely prohibits the legislature of Maryland from selling either of those three canals, for all time to come, without an alteration of the constitution. Now we certainly do not intend to go that far.

This provision originally stood that the sale of the Chesapeake and Ohio canal, and all other works of internal improvement, must only be made subject to such regulations and conditions as the legislature might prescribe. So that they could not be sold, under this section, without previous action of the legislature first had and obtained. Then for a special guarantee in favor of the Chesapeake and Ohio canal, the gentleman from Frederick (Mr. Schley) proposed that even that sale, under the rules and regulations prescribed by the legislature of Maryland, shall not be valid unless it is ratified by a subsequent legislature. Is not that precaution enough? One legislature prescribes the rules and regulations, and another legislature has to ratify the sale made under those rules and regulations.

Now I am willing to vote to put the Delaware and Chesapeake canal, and the Susquehanna and Tide Water canal in the same category with the Chesapeake and Ohio canal. But I will never vote for any provision in this constitution to tie the hands of the legislature from selling any of these works of internal improvement. And yet that is what this amendment does. The gentleman from Prince George's (Mr. Clarke) has an amendment to offer, which I think will cover the whole ground.

Mr. CLARKE. I move to amend the amendment as amended, by striking out all after the word "provided," and insert—

"That no sale or contract of sale of the State's interest in the Chesapeake and Ohio canal, the Chesapeake and Delaware canal, and the Susquehanna and Tide Water canal companies, shall go into effect until the same shall be ratified by the ensuing general assembly."

Mr. HEBB. I rise to a point of order: that after an amendment has been adopted, it is not