

Mace, Marbury, Maybugh, McComas, Miller, Morgan, Murray, Negley, Nyman, Parker, Parran, Purnell, Ridgely, Robinette, Russell, Smith, of Carroll, Sneary, Turner, Valliant, Wilmer—47.

As their names were called,

Mr. ABBOTT said: As I think that is a matter belonging to the legislature altogether, and not to this body, to fix the price, as the legislature may think it is worth \$15,000,000, I vote "no."

Mr. HEBB said: I vote "aye" upon this proposition; but I shall vote against the whole section.

The amendment was accordingly rejected.

Mr. DUVAL submitted the following amendment:

Add to the amendment the words:

"And unless the said purchaser or purchasers of the Chesapeake and Ohio Canal shall in proper form secure to the holders of scrip and other creditors of said company the payment of such scrip and debts within twenty years from the date of such sale, with annual interest at six per cent."

Mr. CLARKE. I do not understand whether that would force the purchaser to pay every creditor whatever debt the canal may owe. The purchaser only buys the State's interest, and of course he takes the canal with all the liens the State may have; but you could not force them to pay off liens which might exist prior to the State's. There are \$36,000,000 or \$37,000,000 which may properly be due by the canal. Must the purchaser wipe out all that?

The CHAIRMAN (Mr. Purnell.) Every gentleman will give his own construction to the amendment.

The amendment was rejected.

The amendment submitted by Mr. CLARKE was agreed to.

Mr. HEBB submitted the following amendment:

Strike out all after the word "the" in the first line and insert:

"General assembly shall so soon as the public debt shall have been fully paid off, cause to be transferred to the several counties and the city of Baltimore stock in the internal improvement companies equal to the amount respectively paid by each towards the erection and completion of said works, at the then market value of said stock."

Mr. HEBB. That will make the section precisely as it is in the present constitution, where it is section 42d.

Mr. MILLER submitted the following amendment to the amendment:

Insert before the words "general assembly" in the first line, the words:

"General assembly shall pass no law providing in any way for the sale of the State's interest in any of the works of internal improvement but the."

Mr. MILLER. I offer that amendment to

the amendment of the gentleman from Allegany in order to obviate all difficulty hereafter with regard to the power of the legislature to make this sale. Under the provision that we have adopted in the present constitution there has been a question raised whether or not the legislature has the power to sell. This amendment will bring the convention square up to the question of sale or no sale. If the convention accept the amendment the property cannot be sold; but if it is the wish of the convention that it should be sold in the mode and manner prescribed here, the amendment will not pass.

Mr. NEGLEY called for the previous question, and the call was sustained.

The question being first upon Mr. MILLER'S amendment,

Mr. MILLER demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 3, nays 65—as follows:

Yeas—Messrs. Duvall, Miller, Stockbridge—3.

Nays—Messrs. Goldsborough, President; Abbott, Annon, Audoun, Baker, Belt, Blackiston, Bond, Carter, Chambers, Clarke, Cunningham, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Gale, Galloway, Greene, Harwood, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Mayhugh, McComas, Morgan, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinette, Russell, Schley, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—65.

When his name was called, Mr. ECKER asked to be excused from voting, but being refused, voted "no."

The amendment was accordingly rejected.

The question recurred upon Mr. HEBB'S amendment.

Mr. HEBB demanded the yeas and nays, and they were ordered.

Mr. CLARKE. I understand that voting to adopt this amendment strikes out all these restrictions upon the sale of the public works, and would leave the public works at the disposal of the legislature.

Mr. HEBB. I presume so. It would be as it is in the present constitution.

Mr. CLARKE. It only provides that after the public debt shall be finally paid off, at that remote period, these stocks shall be transferred.

Mr. HEBB. I did not make the section in the original constitution. I suppose the courts will interpret it. As the people were satisfied with it before, I think it would be better to leave it as it is.

Mr. CHAMBERS. There is some difficulty, I apprehend. I understand that the proposition of the gentleman from Prince George's