

improvement, the general phraseology, after naming the directors in all such cases, is to go on to say that "they or the majority of them shall" do so and so. I merely suggest this for the consideration of the convention.

Mr. BOND. The amendment suggested by my colleague (Mr. Miller) would certainly do no harm, in the view of either of the gentlemen who have expressed opinions upon this subject. If it be true that a majority of this board can act, it would certainly not prejudice the article at all to say so in so many words. Even suppose the gentleman from Frederick (Mr. Schley) is right in his view that if a board is constituted a majority can act, it can do no manner of harm to insert in the section expressly that a majority of the board shall have power to act.

Mr. PURNELL. To obviate any difficulty, I will offer this amendment: insert before the words "shall constitute the board of public works"—the words "or a majority of them."

Mr. SCHLEY. I would suggest to the gentleman from Worcester (Mr. Purnell) to have his amendment come in between the words "who" and "shall," in the sentence "who shall exercise a diligent and faithful supervision," &c.

Mr. PURNELL. Very well; I will modify my amendment in that way.

The question was upon the amendment as modified; that is, insert between the words "who" and "shall," the words "or a majority of them."

Mr. HEBB. I think the section is a great deal better as it stands; because if this amendment be adopted, then any two of these officers might start off at any time to appoint directors in some company, without consulting the other one at all. The majority of any body is competent to govern, unless there is some provision against it.

Mr. PUGH. For the same reason I am opposed to the amendment of the gentleman from Worcester (Mr. Purnell.) I think the whole of this board should act as a board. Let the section stand as it is, that these three officers shall constitute the board, and let the three act, and not any two of them.

Mr. MILLER. I think the discussion has shown the necessity of something definite being put in here.

Mr. NEALEY. I think there is the greatest possible necessity for the insertion of the very amendment proposed by the gentleman from Worcester (Mr. Purnell,) otherwise, as suggested by the gentleman from Anne Arundel (Mr. Miller,) suppose this board to be called upon to transfer the interest of the State in any one of our works of internal improvement; two of them might agree, but the third refuses to sign the necessary papers. Of course that would defeat the whole object of constituting this board, and perhaps put

it out of the power of the legislature to remedy the difficulty. I think there is an absolute necessity for this amendment.

Mr. MILLER. I would suggest that the proper place for this amendment to come in, would be just after you require them to do some act. I would suggest that the words "or a majority of them," be inserted before the words "shall appoint the directors in every railroad or canal company in which the State," &c.

Mr. DANIEL. Then you would have to insert the words again in other places in the section.

Mr. HEBB. I would suggest that if it is necessary to insert the words at all, the proper place would be near the close of the section; insert after the words "such other duties as may be hereafter prescribed by law," this clause: "and in all cases a majority of said board shall be competent to act."

Mr. NEALEY. I think the proper place is that indicated by the gentleman from Worcester (Mr. Purnell.) Amend the section so that it will read—"the governor, the comptroller of the treasury and the treasurer, shall constitute the board of public works, who, or a majority of whom, shall exercise," &c. That specifies the board, and what portion of the board may be considered as using the power of that board. And then you go on to designate what that board shall do, and how it shall act. If you insert this lower down in the section, it may raise the question whether it applies to acts of this board performed under the previous portions of the section. The proper place to put in the qualification as to who may exercise the power of the board is precisely where the gentleman from Worcester has indicated; and then it will qualify all the acts of the board subsequently provided for.

The question was upon the motion of Mr. Purnell, to insert between the words "who" and "shall" the words "or a majority of them," so that it would read "who, or a majority of them, shall exercise a diligent and faithful supervision," &c.

The question being taken, upon a division—ayes 18, noes 32—the motion was not agreed to.

Mr. HEBB. I move to amend the section, near its close, by inserting after the words "prescribed by law," the words "and a majority of them shall be competent to act."

Mr. CHAMBERS. If the insertion be made in the first part of the section, after the word "treasurer," I think the difficulty would be obviated. If it be amended so as to read "the governor, the comptroller of the treasury and the treasurer, or any two of them, shall constitute the board of public works," &c., there would then be no doubt about how many of them shall have authority to act.

Mr. PURNELL. That was the motion I first