

made; but upon the suggestion of the gentleman from Frederick (Mr. Schley) I changed it, so as to insert the words before "shall exercise a diligent," &c. But there seems to be such a diversity of opinion, I think the amendment better come in at the end of the section.

Mr. PUGH. I want to have all three in the board, and not less than that number.

The question being then taken upon the amendment of Mr. HERR, upon a division—ayes 32, noes 14—it was adopted.

Mr. MILLER. I would suggest a change in the first part of the section, so that it shall read that these officers "shall constitute a board of public works," instead of "the board of public works." The gentleman from Frederick (Mr. Schley) has said that according to legal opinion there is no existing board of public works in this State.

Mr. SCHLEY. The definite article "the" is used here because the section refers to a definite board.

Mr. MILLER. I do not submit any amendment.

Mr. BRISCOE. By the adoption of this section a new board of public works will be constituted. The present commissioners of public works have been clothed with certain powers by legislative action. I would suggest the amending the first part of this section so that it will read:

"The governor, the comptroller of the treasury and the treasurer, shall constitute the board of public works, clothed with such powers as are now exercised by the present commissioners of public works in this State," &c.

I would suggest some change to that effect. This is a new board, and the phraseology of the section clothes it with certain definite powers; powers which I think the committee have taken from the present constitution in reference to the present commissioners of public works. But as the legislature by subsequent action has imposed certain duties and powers upon the present commissioners of public works, it might be necessary to insert some clause of the kind I have suggested. There might be some misconception, if this section be left to stand as it now reads. There was an act in 1852 clothing this board of public works with certain independent powers, and requiring certain duties; it may be putting certain restrictions upon their action. As there is no reference whatever in this section to the power exercised by the present commissioners of public works under legislative authority, if that designation is not made, it would be left to the subsequent legislatures to do that work over again.

Mr. STIRLING. I think if the gentleman will look to the close of the section he will see that that is the proper place for the amendment he suggests. To make it clear, it may be necessary to say that this board

shall exercise any powers which the legislature has conferred upon the existing board of commissioners of public works.

Mr. BRISCOE. That is all that I desire.

Mr. DANIEL. I do not know whether it will be right to say that this board shall have the same powers as the present commissioners exercise.

Mr. STIRLING. I do not know but the criticism of my colleague (Mr. Daniel) is a proper criticism. It may be that it will be wiser to leave it out. I do not know whether what is in the code is wise or not. [After a pause.] I am happy to inform the convention that there is no legislation on the subject, except a proviso that they shall receive \$200 each per annum, which is obviated by this section.

Mr. MILLER. The legislation subsequent to the code may affect the matter.

Mr. STIRLING. I am pretty certain there is no subsequent legislation upon the subject.

Mr. MILLER. While this matter is under consideration, I would call the attention of the convention to the portion of this section authorizing this board of public works to appoint the directors in every railroad or canal company in which the State has the legal power to appoint directors. Now, it may be that this convention may determine that these works of internal improvement, or some of them, may be sold or disposed of. And instead of saying "in which the State has the legal power to appoint," I would suggest the saying "in which the State may have the legal power to appoint," &c.

Mr. SCHLEY. I will move to amend by inserting the words "have been, or;" that will cover the whole ground. It will then read "perform such other duties as have been or may be hereafter prescribed by law." I do not recollect any new duty that has been devolved upon them by the act of general assembly referred to; but if there has been, this amendment will cover it.

Mr. DANIEL. There does not appear to have been any legislation at all upon this subject. I was on this committee; and I think it was talked over in the committee. There were some duties required of that board of commissioners, whether prescribed by themselves or not, I do not know; such as travelling about and meeting at different places. The committee thought that certainly ought not to be required of the present board. Therefore, if there is any legislation tending in that direction, it ought not to be imposed upon this board. If there has been none, then this amendment is not necessary. I think we better leave the section as it is, as it is sufficiently explicit to define the duties devolved upon this new board.

Mr. BOND. I move to insert after the words "and perform such other duties as," near the close of the section, the words "have been used and practiced by the existing board, or."