

Mr. RIDGELY withdrew his motion to postpone.

The convention then proceeded to the consideration of the majority report of the select committee appointed to consider the thirtieth section of the report of the committee on the legislative department.

The report was read as follows:

"The undersigned members of the special committee, to whom was referred the thirtieth section in the report of the committee on the legislative department, and the proposed amendments thereto, beg leave to submit the following majority report, recommending the following as section thirty-nine in the aforesaid report:

"Section 39. The governor, comptroller, and treasurer of the State, are hereby authorized conjointly, or any two of them, to exchange the State's interest in the Baltimore and Ohio railroad company, for an equal amount of the bonds or registered debt now owing by the State, and subject to such regulations and conditions as the general assembly may from time to time prescribe, to sell the State's interest in the other works of internal improvement, whether as a stockholder or a creditor, also the State's interest in any banking corporation, and receive in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest; provided, that the interest of the State in the Washington branch of the Baltimore and Ohio railroad be reserved and excepted from sale; and that at the election to be held for the adoption or rejection of this constitution, the sense of the people shall be taken for or against the selling of the State's interest in all the works of internal improvement or other corporations.

"All of which is respectfully submitted.
(Signed)

PETER NEGLEY,
DANIEL CLARKE,
JOS. H. AUDOUN,
ISAAC D. JONES,
O. S. PARRAN."

The question was upon concurring in the report of the select committee.

Mr. CLARKE. Before the vote is taken I would like to say that, as I said when the report was presented, in giving my reasons for signing it, that while the principles involved in the report met with my concurrence, yet I preferred to leave out all that part of the section which provided for submitting to the people the question of the sale of those public works. I stated at that time that I was not only opposed to that being done in this case, but I was opposed to having this convention, which represented the people, throwing any provision back to the people for their vote in its favor before it could be adopted into the organic law.

We are sent here for the purpose of framing a constitution, for the purpose of prepar-

ing and adopting the various provisions to be incorporated in it, and I think it is the duty of the convention to take the responsibility of all the questions that come before it, and prepare a constitution to be submitted to the people for them to vote upon as a whole. If you are to have a separate vote of the people on any question, why not have it upon the question of the abolition of slavery? That is a matter involving the destruction of many more millions of dollars' worth of property in the State than are involved in this question. This does not destroy any property at all, but disposes of it for an equivalent. If you are to take the sense of the people upon this question, it should certainly be taken upon questions of far more vital importance. There is another question of great importance which will come before this convention; the mode of selecting the judiciary; whether they shall be elected by the people, or appointed by the governor, or by the council. It has been suggested in the judiciary committee, to submit several plans to the vote of the people, and let them choose between them. It would be just as reasonable to adopt such a provision as that, as it would be to adopt this provision.

In other words, if we undertake to say that we will frame an article or a section to be incorporated into this constitution, and then do not take the responsibility of saying whether it shall form a portion of the constitution, but submit it to the vote of the people, they will want to vote upon many other questions, or the people will complain that with the exception of one or two provisions, you have not allowed them to vote separately on the different questions. Now my idea is that the true theory is that this convention is a representative body. When the people elected us and called this convention into being, they said—"We do not undertake to vote directly upon any proposition, but we delegate the power to you to frame a constitution, upon the adoption or rejection of which as a whole, we will vote."

With this view, I move to amend the section reported by this select committee, by striking out the following:

"And that at the election to be held for the adoption or rejection of this constitution, the sense of the people shall be taken for or against the selling of the State's interest in all the works of internal improvement or other corporations."

If, on the contrary, it should be the judgment of this convention to retain that portion of the proposed section, then I am willing to vote for it as reported by the select committee; and I so expressed myself in the committee. But I said at the same time that when the section came up for consideration in the convention, I should either vote for a proposition to strike out this last clause, or else submit such a proposition myself.