

But when you come to the disposition of the State's interest in the other works of internal improvement, that discretion is entirely taken away from the board. They are clothed then, not with the power to exchange, but with the power to sell subject to such regulations as the legislature from time to time may prescribe. Now I think it is perfectly clear that the power to sell is coupled with the condition that the legislature shall prescribe the regulations and conditions under which the sale shall be made. I do not think there can be a reasonable doubt about that construction. The gentleman from Baltimore city (Mr. Stirling) says that the word "subject" does not mean "under," that the word "under" is not in there.

Mr. STIRLING. It does not say "such regulations and conditions only."

Mr. MILLER. If the power to sell is a power subject to the conditions which the legislature may prescribe, they have no power to sell unless those conditions are prescribed by the legislature. I think there cannot be a doubt upon that question. What is the effect of it then? The legislature has the power to prescribe the rules and regulations under which the sale is to be made, and no sale can be made without such rules and regulations being laid down by the legislature. Are we doing, by the passage of that, anything more than the legislature now has the power to do? Certainly not. If nothing is said in this constitution about the sale of it, the legislature may sell all the State's interest in these works for \$5 if they choose, and put the money into the State treasury. Is it not wise and proper that we should put a restraining power upon the legislature in that respect?

We say that they shall not sell the interest themselves. We say that they shall not constitute the board. We say that they shall not go around among the people of the State and select a board by which the property shall be sold. But we say that this sale shall be confided to officers of the State, intrusted with the management of the financial affairs of the State, the credit of the State and the honor of the State; that they shall be the parties that shall exercise this power to sell. But we say the legislature shall prescribe the rules and regulations under which they are to act, and not this board.

That gives the legislature less power over the sale of these works, or of the State's interest in them, than if no provision at all were put in. But it does not authorize a sale until the legislature say whether it shall be sold. It does not authorize the board to sell unless regulations are passed by the legislature, authorizing the sale. And above all, it does nothing of which gentlemen interested in the Chesapeake and Ohio Canal, or representing constituencies living along the line of

that canal, can have the slightest reason to complain. Unless you take the broad proposition of the gentleman from Baltimore city, that this work shall never be sold through all time, or so long as this constitution exists, the adoption of the majority report gives no occasion for any claim in regard to the sale of the State's interest in that work.

The gentleman from Cecil made an argument that it would operate against the adoption of this constitution, if this majority report was passed. If he would go home and tell his constituents, and if all those gentlemen living along the route would go home and tell their constituents, that the passage of this majority report does not affect in any degree the power of the legislature, except to restrain it with regard to a sale; that the sale, if made, is to be made by officers of the State, and not by a board selected arbitrarily by the legislature; that the legislature would have power to sell if such a provision were not put in; if their constituents are wise and reasonable men, it would seem to me that there need be no apprehension that the adoption of the majority report would create any opposition among the people of those counties to the adoption of the constitution.

It is a question, says the gentleman from Cecil, about which he was not instructed when he came here. He came here, he says, for the adoption of one great measure, and nothing else. It may be true that that was the controlling thing in the public mind, that about which the public mind was especially engaged at the time of the formation of this convention. But everybody knows that gentlemen were sent here to make a new constitution. The argument that they were not instructed upon that, if valid here, would be an argument that they should do nothing in any branch of the constitution, except that which relates to slavery. We must not touch the judiciary, we must not touch the executive, or any other branch of the constitution, if that argument is worth anything at all.

The effect of passing the majority report as it stands, without tying down the legislature, by prohibiting through all time, or until this constitution is amended, any sale whatever of the State's interest in these works, will be simply to leave it to future legislation. The question will go before the people—How these works shall be disposed of? Under what regulations shall they be disposed of? And then the question will again come before the people at the next election. If the people of the State desire that these works shall be sold, they will elect representatives to the next legislature, who will prescribe the regulations and conditions under which the sale shall be made. If the majority of the people are opposed to the sale, they will elect members who will refuse to pass any such regulations or conditions of sale; and the sale cannot