

could be more remote from the truth than such inferences. It is true the powers and duties of the State's agents were intended to be transferred to the commissioners of public works; but more numerous and other equally important duties and authority were imposed on the latter. Their attention or visits were not confined to internal improvement companies, for whose directors the State held a right of voting, but to all such companies as were indebted to the State of Maryland. To exercise a diligent and faithful supervision over them to perform such other duties as might be prescribed by law, and to review, from time to time, the rate of tolls adopted by any such company, and to obtain the establishment of rates of tolls which might prevent an injurious competition between the companies to the detriment of the interest of the State. Of the necessity for the exercise of this latter power conferred on the commissioners of public works by the amendment of the gentleman from Baltimore county, [Mr. Howard] it appeared to him that no mind not warped by interest or prejudice, could entertain a moment's doubt. He entertained the most thorough conviction (and it was not his habit to draw hasty conclusions from light and insufficient promises,) that if a proper board of public works had controlled the operations of the Chesapeake and Ohio Canal company during the present year, it would have paid into the State Treasury more than \$200,000, and for every succeeding year a much larger amount. But under the management of its present board of directors and State's agents, he has not the faintest hope that, during the year, this company will pay the first dollar into the State's treasury.

It has been said by the gentleman from Montgomery, (Mr. Davis,) and reiterated by the gentleman from Prince George's, (Mr. Bowie.) that the State's agents having exercised the power of appointing directors, those directors, in discharging the duties and exercising the powers given to them by law, were subject to no control from the State's agents, and that any attempt on the part of the latter to direct the operations of the former was contrary to law, and that to suggest to them the mode in which they should discharge their duties, would be an insult to the directors.

That Judge Archer had decided that in the exercise of their expressly delegated powers, the States agents had no legal right to control them. The decision of Judge Archer being given on the assumption of a right, by the agents, to change the place where the company's office was held, when the charter of the company delegated this authority to the directors only. This objection to the appointment of the commissioners, with the powers designed to be conferred on them, is rather too technical to satisfy plain, sound-judging men, who are influenced more by substance than form. No body pretends that the State's agents or commissioners could, according to the letter of the law, or the exercise of any legal authority, coerce the directors in the exertion of their clearly delegated powers. But, because he cannot reach his place of destination by the nearest and most direct route, a prudent man

would not abandon his journey if he could arrive at its termination by a convenient, safe, certain, though more circuitous route. Although the commissioners could not immediately depose the directors, or by means technically legal, compel them to comply with their wishes; yet as the directors are but beings of their creation, the mere representatives of the State, and designed to protect and promote its interests, can it be doubted that if the State, speaking through the commissioners, its only organ for the communication of its wishes, were to remonstrate with the directors at their pursuing a course ruinous to its interests, and urge them to change it, can their compliance be doubted? But, if contrary to all reasonable expectation and a proper sense of duty, the directors should refuse to comply, they are at the mercy of the commissioners, and at the next annual election can be turned out of office, and be succeeded by those who would more faithfully discharge their representative obligations.

The idea of his friend from Montgomery, [Mr. Davis,] that suggestions or remonstrance of the State's agents or commissioners, with the directors, as to the policy or effects of their acts when representing the State, might have had some weight in the days of ancient chivalry, but was founded on notions too punctilious and transcendental for the practical, common sense age in which we live. Of the ability, then, of the commissioners of public works, to procure the assent of the Canal company in the adjustments of the rate of tolls, he assumed that there was no difficulty.

But it is insisted that over the Baltimore and Ohio railroad company, the commissioners can exercise no influence to induce it to assent to any adjustment of tolls by which both it and the canal company are to be governed. It is true that over the Baltimore and Ohio railroad company, the State has no such power as it possesses over the other internal improvement companies, by reason of their immense indebtedness to the State, and the authority conferred to secure the payment thereof. This railroad has always complied with its contracts with the State, has never been a defaulter in any way, and therefore coercively the commissioner can exercise no control over it. But in effecting the designs of the State, its interests and those of the railroad company, are identical. Such a rate of tolls on the canal, as the State desires, to give it a handsome income from that work, the railroad desires to relieve it from the ruinous competition under which it now bleeds, and will continue to bleed much more profusely. That the ten directors in the railroad company representing the State, and the twelve representing the private stockholders in the city of Baltimore, and the eight directors representing the city of Baltimore, (which together constitute the entire board of railroad directors,) will all cheerfully unite with the commissioners; will unite most cordially in establishing a reasonable and just rate of tolls, protecting all the interests of the State and of the city of Baltimore, he thought no sane mind could doubt. Were he