

could do little else than suggest such changes as we might deem advisable. It is proper, however, for us to say, that no occasion has arisen in which we have felt it our duty to interfere with their established rates.⁸

Dealing then with the affairs of the C & O Canal Company, the report noted that the commissioners attended a meeting of its stockholders on 7 June 1852, received a report from the president and directors, and elected six directors. The commissioners thereafter approved a reduction in tolls on the canal for lumber, lime, cement, and straw, but refused to sanction a reduction for coal on the premise that it "could not fail to injure the revenues of the Canal, and consequently be detrimental to the interests of the State."⁹

The major part of the report was in the nature of a plea to the legislature to define more precisely the duties of the board and to give it the wherewithall to carry out its constitutional functions. The commissioners stated:

From the above report of our proceedings, it will be seen, that we have confined ourselves to the duties plainly prescribed in the first section of the seventh article of the Constitution. That section, no doubt, was intended by its framers as a mere skeleton to be filled up—a foundation upon which a system would be erected by the Legislature,—it contemplated that the duties of the Commissioners should be more fully defined, and their powers made commensurate therewith. This action on the part of the legislature, we did hope would have been taken at its first session after the adoption of the Constitution, but other and probably more important matters seemed to occupy its attention, and the efficient organization of the Board of Commissioners of Public Works, was passed over. Now, whether this indicates a settled conviction, on the part of your Honorable Body, that such a Board as is contemplated by the Constitution, will be powerless to promote the interest of the State in her public works, and a consequent design to withhold any Legislative action by which energy and vitality will be imparted to it, or whether it is a mere postponement of the subject to other and more demands upon your attention—the effect upon us has been equally paralyzing. At every step, we have been painfully embarrassed by the vague and general terms in which our powers and our duties are defined.¹⁰

Continuing in the same vein, the commissioners noted that they were charged with exercising a diligent and faithful supervision of all public works in which the state may be interested as stockholder or creditor:

This is a most responsible and arduous trust, but the power to discharge it satisfactorily to ourselves, or to the public, is withheld,—the means of acquiring information, of enforcing any line of policy we may deem it advisable to adopt, or of controlling, in any degree, the action of those who manage the public works, is nowhere given. The only sources of information open to us are open to the world, and were we to undertake to make an exposé of the affairs of any company, we could only do so by stating the facts which they choose to publish, and which reach your Honorable Body equally with or without our intervention. That the framers of the Constitution intended the Commissioners of Public Works to exercise a personal supervision—to make their reports from a personal examination of the works themselves, and to acquire a knowledge of the condition of the several companies, from a direct participation, to some extent in their affairs, we think, can scarcely be doubted. And yet, to accomplish this, the mode and the power must be prescribed in detail by the Legislature.¹¹

The experience of the last year, the commissioners noted, had demonstrated the propriety of committing the state's interest in public works to a "body like that contemplated in the Constitution, entirely disconnected from any individual company." But to make it effective, they argued, the board should have "full power to examine the management of any of the works, and to act promptly and energetically whenever the interest of the state might require it." Moreover, the board should be the exclusive channel by which all information should reach the legislature and "its right arm for

8. *Ibid.*, doc. J, pp. 3, 4.

9. *Ibid.*, p. 4.

10. *Ibid.*, pp. 5-6.

11. *Ibid.*, p. 6.