

It was in full proof in the cause lately decided between the two companies, upon the evidence of competent men, the engineers of both, that through those passes there was sufficient room to conduct both works, allowing to each its full capacity, that is to say, to the rail road a breadth of thirty feet, and to the canal a breadth of fifty-six feet three inches, with its full cross section of 306 feet.

The canal company was fully apprised of the deep interest felt by the State of Maryland in the Baltimore and Ohio rail road; a work terminating in her commercial emporium, and a work towards which, the State had contributed half a million of dollars, while her citizens had devoted to it three millions and a half more. The Canal Company was aware that under such circumstances, the State of Maryland had by a solemn resolution of her Legislature, earnestly recommended to it such a course of proceeding as would have allowed a work, strictly, a Maryland enterprize, to pass over a small portion of her own territory. Yet with all this knowledge, the Chesapeak and Ohio Canal Company has chosen to depart from previous locations, and to jam the canal close against the hills, so that the passage of the rail road, beyond the point at which it is now barred up, is rendered morally if not physically impracticable, unless by a sacrifice of a small portion of the redundant advantages which the Canal Company holds but by the bounty of Maryland.

By this disregard of the expressed wish of the State, by using to oppress and destroy the interest of her people, powers generously granted by the State, aware as she was, that their beneficial results would chiefly enlarge and enrich communities without her borders, it is the opinion of your committee, which they shrink not from decidedly expressing, that the Chesapeake and Ohio Canal Company has no claim to the favourable consideration of the Legislature and people of Maryland. That the State owes it to its own character and to the interests of her people to prevent, as far as her generosity may have left her the power prevent the abuse of privileges granted by her; and that without seeking to recall what she has done, it would be a violation of duty, did she not now set bounds to the Chesapeake and Ohio Canal Company and use all the means in her power to teach that Company, and all other corporations that they may not safely defy the sovereign authority.

The question then arises, what power can the State