

same assent of all parties will be required in the adoption of any measures proposed by either to annul the charter before such measures can be at all operative.

These principles were sufficiently and clearly laid down and settled by the court of Appeals of Maryland, in the case of the Chesapeake and Ohio Canal Company, *vs*:— the Baltimore and Ohio Rail Road Company, reported in the 4th vol. of Gill and Johnson's Reports, to which decision the undersigned would respectfully invite the attention of this House, prior to its action on this question. All the principles necessary to a full understanding of this delicate question are there laid down—from which it is clear to the undersigned, that the Legislature of Maryland, of itself without conjoint and conformable acts of the Legislatures of the other States, who are parties to the charter of the Chesapeake and Ohio Canal company can assume no measures towards instituting the necessary judicial proceedings to vacate that charter. Initiatory steps may be taken on her part to procure the assent of the other parties, but before such assent is obtained, no proceedings under any prescribed mode which she may thus of herself adopt, can be productive of the intended investigation and judgment of forfeiture. Deeming any proceedings of the kind uncalled for by aught that has transpired in the conduct of the canal company, and considering that any measures on the part of this State, without the express assent of the other parties to the charter, would be utterly futile and vain, and tend to no possible good, the undersigned would recommend to the house the propriety of desisting from the adoption of the resolutions proposed by the majority; or if enquiry into causes of forfeiture should be deemed by the House, expedient and proper, of providing for and obtaining the assent of all the other parties to the proposed inquiry, and the requisite judicial proceedings which should thereon be had, in order to effect an object that should rather be deprecated than encouraged.

The undersigned beg leave to submit to the House, the following resolutions.

S. N. C. WHITE,
ANDREW BRUCE.

By order,

THOMAS KARNEY, Jr. C'k.