

alluded to was never accepted and approved by them; but, as the act of December session 1837, chapter 30, confirming the advantages that were offered to them by the supplement of 1832, may be viewed in the light of a re-enactment of the former, with some modifications, then, in that case, the approval and acceptance of one, would be equivalent to the approval and acceptance of the other.— The corporation accepted the act of 1837, chapter 30, with a full knowledge of the intention and understanding on the part of the Legislature of Maryland, clearly expressed in the supplementary act of 1832, chapter 304, which act has never been repealed.

As to the 27th section of the act of 1831, chapter 288, incorporating the Baltimore and Port Deposit Rail Road Company, which section allows the company to regulate at their discretion the charge on single bale, box, parcel, or article, not exceeding 250 pounds weight, the Legislature expressly reserved the right of altering and controlling the price or charge therefor, whenever it might think fit to do so.

It is believed that no evidence of a stronger character than that which has been exhibited could be required to prove that the company have disregarded the *fifth* section of the act of 1837, chapter 30, which prescribed that the rate of tolls should always be “uniform, equal and alike from Philadelphia to Baltimore, and from Baltimore to Philadelphia, and for equal distances in either direction.”

The committee have now presented the case, as they believe, fairly and impartially according to the evidence that has come before them, and they are of opinion,

That the Philadelphia, Wilmington, and Baltimore Rail Road Company have repeatedly and deliberately demanded and taken rates and charges greater than they were allowed by law to demand and receive:

That a large, and perhaps the largest, stockholder in said company, and one who is the highest officer of said company, has been concerned, and with the connivance or consent of the board of directors, in an attempt to form an arrangement with large stockholders or officers, in the French Town Turnpike and Rail Road Company, or Union Steam Boat line, by means of which the interest of the two corporations, would become as it were identified as effectually as if they constituted but one company, or a common joint stock association.

That the Philadelphia, Wilmington, and Baltimore Rail Road Company have acted upon an assumed right, not granted to them by law, to make an extra charge, either for the use of their cars, or for the use of their steamboat between Havre-de-Grace and Chesapeake, *in addition* to the tolls or rates to which they were expressly restricted by their charter.

That the said company have abused their franchises by exacting payment of exorbitant rates, or usurping excessive tolls; and that having thus broken the condition upon which they accepted their charter, they have violated the trust upon which the same was granted to them by the State: