

even the CONSTRUCTIVE OR IMPLIED powers of their charter, as claimed by them, could confer the right to expand or contract at pleasure these tolls, in such a manner as to establish one of the boldest, as well as most odious and unjust monopolies that ever existed. It was doubtless recollected that the organic law of the State, which declares that "MONOPOLIES ARE ODIOS, CONTRARY TO THE SPIRIT OF FREE GOVERNMENT AND OUGHT NOT TO BE SUFFERED," was a part and parcel of their charter, and entered into its very constitution; and your committee call your attention particularly to these facts, which have been studiously overlooked by the counsel of the company. The papers and documents appended to this report and other notorious facts, will sustain the following statement or history of this company and others connected with it, and at the same time show the true character of the monopoly on which it has become their unpleasant duty to comment.

Up to the year 1838, with the exception of two or three years, when there were passenger barges on the canal, most of the travel between the cities of Baltimore and Philadelphia, was confined to a line of Steamboats running from Baltimore to Frenchtown, thence by Rail Road to Newcastle, and thence by Steamboat to Philadelphia. This route was almost without a rival, as the Chesapeake and Delaware canal offered to it but a partial competition, on account of the difference of speed and the detention arising from transferring the passengers from one boat to another.

In order then to offer a fair competition to that route, which was then regarded as almost the only practicable one, the Rail Road now known as the Philadelphia, Wilmington and Baltimore Rail Road was undertaken, and for the most part completed by three or four distinct companies, all of which, by an arrangement among themselves and by the consent of the several States through which they passed, consolidated their stock under the name of the Philadelphia, Wilmington and Baltimore Rail Road company. Maryland assented to this consolidation for the promotion of her welfare and the advancement of the interests of the travelling public. But while she was at that time ready and desirous to unite with others, in the advancing state of travelling facilities, she was even at that time jealous of the monopolising character and tendency of these great improvements. In the very act consolidating these companies, she re-enacted all the pre-existing limitations and restrictions contained in their former charters, and among these your committee would invite your particular attention to an express prohibition, in the act itself, of any union of the Philadelphia, Wilmington and Baltimore Rail Road company with the Frenchtown and Newcastle Rail Road or Turnpike company. The Legislature was, at that early day, before any monopoly had been realised or attempted, studious to guard the interests of the public from such a combination; for it was clearly seen that such a combination would be dangerous, and if carried out, would place the whole travelling community, passing between Baltimore and Philadelphia, in the power of these companies. Accordingly the Philadelphia, Wil-