

By the 12th section of this law, it is provided, "that if there be any thing in the Act of Assembly of 1835, chapter 395, by which this State is made liable to the Eastern Shore for one million of dollars, to be appropriated to works of internal improvement, then, and in that case, the amount of money which may be expended, under the provisions of this act, or which has heretofore been expended upon the Eastern Shore Rail Road, shall be taken and considered as part of said million of dollars."

The act of 1839 therefore, does not in any way effect the question under consideration, except so far perhaps as containing an implied recognition of the validity of the pledge given to the Eastern Shore. At all events, it cannot be understood as impairing the pledge, if it may not be construed into a recognition of it. My own impression is, it leaves it untouched either way, and that the character of the obligation on the part of the State, remains precisely, where it was before.

There can I think be no doubt whatever, that in the distribution of the eight million of dollars proposed to be raised on the credit of the State by the act of 1835, chapter 395, one million, part thereof, was to be appropriated to the purpose of internal improvement on the Eastern Shore.

It was to be applied under certain circumstances, to the construction of the Eastern Shore Rail Road, and if that failed for any reason, to other objects of internal improvement, on the Eastern Shore—this is undoubtedly the true spirit and intent of the act. By it a sum of enormous amount, was about to be borrowed on the public credit, for which every part and portion of the State, and the property of all its citizens was to be made liable.

It was agreed between the Eastern and Western Shores, the two great geographical divisions of the State, that in the distribution of this sum, thus to be raised upon the credit of both, seven-eighths should be applied to the improvement of the Western, and but one-eighth, to the improvement of the Eastern Shore.

The money was raised upon the credit of both divisions; the western has received and is enjoying her proportion of the benefit resulting from its application, but the eastern shore, has not, whilst she has paid her proportion of the taxes which it became necessary to impose to meet the common obligation. I cannot bring myself to think, that the spirit of the law is gratified, simply because a subscription was made, and a small sum of money expended upon a work which was abandoned. The act designed a substantial benefit to the eastern shore; a benefit for which she has paid a full and adequate consideration, and I can conceive of no obligation resting upon stronger equitable, and moral grounds, than that which requires the Legislature to redeem the pledge given by the act of 1835.

I am not to be understood as meaning, that there is any thing in the law, which creates as between the State and the eastern