

ness of these opposite opinions, in reference to the right of appeal to the Supreme Court.

Nor is it necessary that the undersigned should, in any manner, discuss the judgment of the Court of Appeals, declaring that the Acts in question, requiring the Baltimore and Ohio Railroad Company to pay into the Treasury of the State one-fifth of the gross sums received for the transportation of passengers on the Washington Branch Road, constitute a valid exercise of power. The judgment of the Court of Appeals must stand as the law of this State until it is reversed by the Supreme Court of the United States.

But, if the undersigned has correctly understood the opinions of his fellow Senators, the question at issue, is not in fact, determined by the judgment of the Court of Appeals, even if that judgment were conclusive in law.

The purpose of the Legislature in passing the Act of 1870, chapter 476, relating to the creation and regulation of Railway Companies in the State of Maryland, was to provide a system under which corporations, formed after that date, for the purpose of constructing railways in this State, should possess equal powers and enjoy equal privileges.

The Legislature had manifested its purpose to pursue this course of liberal dealing, by granting, prior to this period, many special charters to Railroad Companies. Although largely interested in the Baltimore and Ohio Railroad Company, and in the Washington Branch of that road, it had not hesitated to incorporate the Baltimore and Potomac Railroad Company, by the Act of 1853, chapter 194, or to make that charter effective by the Acts of 1860, chapter 71, and by the Act of 1870, chapter 80; although the road, thus authorized, was in fact a route which would be, when completed, an active competition for trade and travel with the Washington Branch of the Baltimore and Ohio Railroad Company.

The undersigned is well assured that he represents the opinion of the people of this State; and he believes the judgment of the Senate, when he says that there is no wish or purpose to place the Baltimore and Ohio Railroad Company at a disadvantage, or to impose upon it conditions or burdens, not borne by other Railway Companies in this State, enjoying in all respects equal privileges and immunities.

The undersigned, therefore, assumes little, when he says that he believes it to be the judgment of this Senate, that the Baltimore and Ohio Railroad Company ought to be released from the payment into the Treasury of the State of one-fifth of the gross sum received by it for the transportation of passengers on the Washington Branch Road, whenever the Balti-