

more and Potomac Railroad has completed that part of its line which extends from Baltimore to Washington.

If this be the real judgment of the Senate, the undersigned is of opinion that the case now depending between the State and the Baltimore and Ohio Railroad Company is capable of easy solution.

If the State ought, upon principles of even-handed justice, to provide for the remission of the burden now imposed upon the Washington Branch of the Baltimore and Ohio Railroad Company, upon the completion of the road now being built between Baltimore and Washington by the Baltimore and Potomac Railroad Company, that obligation is in no wise lessened or impaired by the failure of the Baltimore and Ohio Railroad Company to comply with the terms of a contract, which the Court of Appeals has decided to be valid.

The State is incapable of temper, vengeance or partiality. Its legislation ought to be based upon correct principles, and ought not to be swayed by such feelings as litigation sometimes inspires between private disputants.

The State ought to do whatever is right, without regard to the conduct of its citizens, because when its own duty is done it has ample means of enforcing the performance by others of their obligations to itself.

In the particular case, however, no claim has been made upon the magnanimity of the Legislature. It has not been asked to release, without condition, the charge now imposed upon the Washington Branch of the Baltimore and Ohio Railroad Company, even if that charge be unjust. On the contrary, that Company, yielding for the present all consideration of its claim against the State, has offered to pay into the Treasury of the State not only the sum of money involved in the case reversed by the Court of Appeals, but also all subsequent sums claimed under the same contract to the date of December 10, 1870—a date which the Legislature may, of course, alter, if it has any good reason so to do, if the arrangement proposed could be made acceptable to its judgment with such modification.

The Company has offered to reduce its chartered rate of fare below that accorded to the Baltimore and Potomac Railroad Company.

It has offered to subject the capital stock of the Washington Branch Road to taxation in as large a manner as the stock of any railroad company in the State is subject to taxation.

The Company has not asked to be relieved from the claim of the State that the dividends payable to the State, under