

conditionally released the company from the necessity of going into Frederick, Washington and Allegany counties, it was however, provided, that if on a careful examination by the Engineers of the company, or from other sources of information, it should be ascertained that the cost of construction of the road in the said counties or either of them, so as to be beneficially used for the purposes of travelling and transportation, should not exceed the average rate per mile of the whole cost incurred and to be incurred, in constructing and travelling on the rail road from Baltimore to the Point of Rocks, the obligation to construct the said route into the said counties or either of them remained. No estimate of the cost of a route thro' the said counties or of either, within the obvious meaning of the act has yet been furnished to the Legislature by the company, of course, your committee are not furnished with the requisite information to justify them in saying whether or not the act passed on the 10th day of March 1832, relieved the company from the obligation imposed by the act passed on the 3d day of March 1828; and for all the purposes submitted to their consideration, they do not deem it material that they should be. The two acts are referred to as furnishing decisive evidence of the preference of the State for her own territory; the first annexed a positive condition that the road should pass thro' the designated counties, as a consideration for an appropriation, the second only release the company on a contingency, and that contingency, if it should occur, was evidently only allowed to supercede the preference of the Legislature for the territory of Maryland, because by a judicial decision the company were not allowed to occupy the ground within the limits of the State that they had previously selected, and that it might possibly occur in consequence of the judicial decision referred to, that if the company were compelled to construct their road on the Maryland side of the river, the appropriation previously made by the Legislature would not be an adequate compensation for the additional expense to which the company would thereby be subjected.

An act passed on the 4th of June 1836, entitled, an act for the promotion of internal improvement, shows conclusively, not only the decided preference of the State for her own territory, but also a disposition on her part to diffuse the benefits to be derived from the construction of the road within her own limits as extensively as it was in her power to accomplish, the road passing thro' the interior of the State, was certainly calculated, by affording a greater facility of access to a large portion of her citizens, to promote the object in view. By the 5th section of the act referred to, the subscription of \$3,000,000, to promote the progress of the work was made to depend—on the contingency that a majority of the directors appointed on behalf of the State should certify to the Treasurer, that other subscriptions in addition to the \$3,000,000, would enable the company to complete the rail road 'from the Ohio river, by way of and thro' Cumberland, Hagerstown and Boonsboro', to its present tract near to Harpers fer-