

Is it so? Are the State bonds matured, and are the State creditors knocking at our doors and saying "Give us our money?" No, sir. There is no necessity at all for this sale now.

And how would this sale affect those who are mainly interested in this canal? I am informed upon the best authority that those residing in the county that the gentleman in part represents (Washington county,) and the counties adjoining, are the creditors of this canal to the amount of \$2,500,000, for materials furnished and work done in and about its repairs. Those living along the line of the canal, and interested in it, are the creditors of the canal to the amount of \$2,250,000 for materials furnished and work done in and upon the repairs of that canal. Sell it, and give them simply a pro rata share of the proceeds, and what will be the loss of the people of those counties alone?

Mr. NAGLEY. They will get something.

Mr. SANDS. Nearly the whole sum due to these honest working men of Washington, Allegany and Montgomery counties will be sunk forever. Do you suppose—I put the question seriously to gentlemen here—that that population is going to sanction a measure which sinks forever, at once, and irretrievably, over \$2,000,000? No, sir; they will not. And if you intend to come here with your mind made up in any certain direction, and that direction sacrifices the interest of the people along that canal, the people will not sustain you.

There is another point just here which occurs to my mind. I have examined the charter of that company, and I find that it vests under restrictions, the absolute title in the president, directors and stockholders of that work and their assigns. How does this practically affect the people along that canal? Just in this way. Under the present working of the canal, after protecting the State's interest, every man who lives along the line of that canal can build his little boat, put it afloat, and run it up and down the canal, carrying produce hither and thither, so long as he pays the toll. Divest the State of its interest and control over it; put it into the hands of a private corporation, and under the terms of this charter, so far as I have been able to acquaint myself with them, I ask whether that corporation would not have the right and the power to exclude from that great highway every private citizen? Might it not be for the interest of any corporation purchasing that canal to make its revenue consist of its freights upon that canal, instead of its tolls?

I have not had the time to give this matter the careful consideration that it should have before a person ventures an assured opinion. But I want gentlemen to look at this matter and see if there is not something in this idea that ought to make the members of this body

pause. The act of 1823, chapter 140, contains this section:

"Section 9. *And be it enacted*, That for and in consideration of the expense the said stockholders will be at, not only in cutting the said canal, erecting locks and dams, providing aqueducts, feeders and other works, and improving and keeping the same in repair, the said canal and all other works aforesaid, or required to improve the navigation thereof at any time hereafter, with all their profits, subject to the limitations herein provided and to none other, shall be and the same are hereby vested in the said stockholders, their heirs and assigns forever, as tenants in common, in proportion to their respective shares, and to be forever exempt from the payment of any tax, imposition or assessment whatsoever; and that it shall and may be lawful for the said president and directors at all times forever hereafter to demand and receive at such places as shall hereafter be appointed by the president and directors as aforesaid, tolls for the passage of vessels, boats, rafts, produce and all other articles; at such rates as the said president and directors may hereafter allow and establish according to the provisions of this act."

Now, I would just like gentlemen, who have time just to examine and see what are the absolute limitations and restrictions of this charter. I have not had the time. But I see that the vestiture of this property is complete. And I ask whether it is not a question for our grave consideration, whether if the State were to part with its control over this matter—I do not give it as an opinion, for I have not given the subject that careful consideration which would justify an opinion—is it not a question for serious consideration whether a private corporation obtaining control of that work could not exclude from it all private enterprise whatever, preferring rather to derive its revenues from freights than from tolls? There may be a prohibition, and of course an assignee would take only the rights of an assignor.

Now, look at the matter practically. And you have not to go very far away for examples of the practical working of the sale of the State's interest in this canal. In your adjoining State, and the one next to that, you have instances of the results of this policy. As at present operated the rates of toll upon that canal by no means reach their maximum. If there is a law to restrain a private corporation purchasing this work from excluding private boats, what in the world is to hinder their raising their tolls to the maximum of the charter, and thus doing practically what may not be done directly, according to the terms of the act? What hinders their raising the tolls to such an amount as will be a practical prohibition of trade upon that part of Maryland's system of public works?