

5th. Whether the said company had not exacted rates or charges greater than they were authorised by law to demand?

6 h. And whether if the said company had demanded and received more than they were authorised by law to charge, they had not thereby committed a violation of their charter?

It is due to the committee, and to each member of it, to declare that in pursuing the inquiry which devolved upon them, they have endeavored to do so, with a strict and impartial regard for the rights of all the parties interested in the matters submitted to the consideration of the committee.

In order that no injustice should by possibility be done to the Philadelphia, Wilmington and Baltimore Rail Road Company, every facility was afforded to them to offer such explanations as they desired to make, with respect to the allegations against the company. The officers examined on behalf of the latter were Mr. *J. I. Cohen*, the Vice President of the Corporation; Mr. *W. A. Patterson*, a director; and Mr. *Z. Rudolph*, the agent or superintendant of the depot at Elkton. The witnesses have all testified under oath.

Before this inquiry was instituted, reports were circulated through the public prints and complaints reiterated, that were calculated to excite the fears of the community, and to produce a strong prejudice against the company if the allegations were true.

Under those circumstances, justice and policy alike dictated the propriety of an immediate investigation of the charges; for if they were *not* well founded, it was decidedly for the interest of the company to be relieved from the odium and injury that they would sustain in consequence thereof; or if, on the other hand, those charges were *not groundless*, it was due to the community at large, whose interests were or might be affected by any misconduct on the part of a powerful corporation, to expose the same, and to take such measures as might be deemed necessary and proper to protect the honest private citizen, however humble his station or influence, against every attempt by a wealthy chartered company to practice oppression or imposition upon any individual.

The committee are of opinion that a corporation is bound to confine itself within the powers granted and limited by the express terms of its charter; and that whenever it transcends those limited powers, it thereby violates the contract which the State had made with it, (if indeed a *boon* from the State can be construed in law as a *contract*,) and a forfeiture of the charter would be incurred by a violation of the *conditions* upon which the charter was granted.

An act passed at December session 1837, ch. 30, authorised a *union* of the Baltimore and Port Deposit Rail Road Company with the Wilmington and Susquehanna Rail Road Company, under the name of "the Philadelphia, Wilmington and Baltimore Rail Road Company," and the said companies were thereby merged in one, "entitled, within this State, to all the powers and privileges and advantages now belonging to the two first above named companies;" and it was provided in said act, "that the rate of tolls