

The most profound, eloquent, and experienced lawyer monopolizes the practice of the courts—the best physician monopolizes the practice in his neighbourhood, and the cheapest, most expeditious and safest conveyance monopolizes the transportation on a public road; and such is the monopoly which this corporation enjoy. Other lines of travel and communication will keep down the price of transportation by competition, and secure the people a choice and protect them from the imposition of exorbitant charges; for so soon as the road ceases to be the best, cheapest and most expeditious route public patronage will be diverted into a different direction.

Thus far we have considered the subject with reference to the Pennsylvania and Delaware charter alone. With respect to the charters granted by this State, this Rail Road is made a private road, belonging exclusively to the Company, and none permitted to use it except by the permission of the company. In the act incorporating the Delaware and Maryland Rail Road Company, the section 19, after authorizing the company to purchase and place on said Rail Road, all machines, wagons, vehicles, &c, they may deem necessary and proper, goes on to prescribe that they shall have power to charge for tolls and for transportation of persons, goods, &c, transported by them along the said rail way, from Delaware to the Susquehanna River, any sum not exceeding the following rates, viz: “On all goods, merchandize, &c transported by them, that is to say, not exceeding three cents per ton per mile, for toll, for transportation; and for the transportation of passengers with baggage of a certain amount not exceeding three cents per mile for each passenger. In this law toll and transportation seems to be used synonymously, and the rail road is made a private road, for the exclusive use of the company; no other persons being permitted to travel upon or use it without a license or permit from the company; the Legislature reserving to itself the power of legislating on the subject of toll after the expiration of twenty years. By the act of Maryland, of 9th March, 1835, section 21d, which is a supplement to the said Delaware and Maryland Rail Road Company act, an increased charge is permitted in the following word—“that the toll on any species of merchandize or property on the said Rail Road shall not exceed eight cents per ton per mile, and on passengers shall not exceed four cents per mile.

In the act incorporating the Baltimore and Port Deposit Rail Road Company, section 20, the distinction between *tolls* and price of transportation is clearly defined and recognized. After the power to put upon the road all machinery, whatever they may think necessary and proper, it is worded that “they shall have power to charge for *tolls* upon, and the transportation of persons, goods, produce, merchandize or property of any kind whatsoever transported by them along said rail road any sum not exceeding the following rates, viz: on all goods, produce, merchandize, or property of any description whatever, transported by them not exceeding two cents per ton per mile for *tolls for cars not owned by the Company*, and four cents a