

were further authorized to form a union with the Baltimore and Port Deposit rail road company, in these words—“and be it enacted by the General Assembly of Maryland that the Baltimore and Port Deposit rail road company and the Wilmington and Susquehanna rail road company, be and they are hereby authorized to form a union with each other and the Philadelphia, Wilmington, and Baltimore rail road company, so that the said three companies, shall be merged in and constitute one body corporate under the name of ‘The Philadelphia, Wilmington and Baltimore Rail Road Company,’ and that such body corporate so formed shall be entitled in this State to all the powers and privileges, and advantages now belonging to the two first above named corporations,” with no restrictions as to tolls except in the 5th section requiring them to be “uniform and equal for like distances in either direction.”

From these articles of union of these several companies it is apparent that the present Philadelphia, Wilmington and Baltimore Rail Road Company, is entitled to all and every privilege conferred by any charters granted in any of the States through which the continuous road passes. We have already shown that by the Delaware and Pennsylvania charters the company is only restricted in their charges for *tolls* and not in the prices for *transportation*. It, therefore, necessarily follows, that if unrestricted in one, they are unrestricted in the whole, being allowed to take the largest privilege conferred by any; the only restriction operating at present on them being that the rates of toll for transportation shall be uniform from city to city and for equal distances in either direction.

In the construction of this latter clause there may exist, and we believe there does exist, some diversity of opinion: whether, for instance, taking some intermediate station between the two extremes, the company are compelled to charge the same rates for the same distance either way. Thus, taking Elkton as the intermediate station, are the company compelled to charge the same rate, for twenty miles from Elkton towards Philadelphia, that they charge from Elkton towards Baltimore; or does it mean that they shall charge only the same backwards and forwards in the different directions to any intermediate point, they are required to charge between the two extremes. We incline to the opinion that it intends to prevent the company from charging one rate from Philadelphia, to any intermediate station towards Baltimore, and a different rate from the said intermediate station, to Baltimore and the reverse. A few words with respect to the steam boats. A supplement to the act to incorporate the Wilmington and Susquehanna Rail Road Company, passed the Senate and House of Delegates of the State of Delaware, June 17th, 1836, authorising the company “to borrow such sum or sums of money as shall be necessary to complete the rail road from the line of Pennsylvania and Delaware to the Susquehanna River, and to erect the necessary and appropriate buildings, and supply locomotives, engines, cars and *steam boats* for the purpose of transportation,” &c And by